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COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Items 5, 6, 8, 11(e) and 18 of the provisional agenda

**THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION  
TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN  
OCCUPATION**

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF  
DISCRIMINATION**

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB  
TERRITORIES, INCLUDING PALESTINE**

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:  
RELIGIOUS INTOLERANCE**

**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS**

**Joint written statement\* submitted by B'nai B'rith International, a non-governmental  
organization on the Roster and the Coordinating Board of Jewish Organizations, a non-  
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in  
accordance with Economic and Social Council resolution 1996/31.

[15 February 2006]

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\* This written statement is issued, unedited, in the language(s) received from the submitting  
non-governmental organization(s).

The 62nd session of the Commission on Human Rights and the inaugural session of the Human Rights Council fall during a precarious time. Through democratic processes, a terrorist group, whose charter and repeated statements call for the destruction of Israel, has won elections for the Palestinian Legislative Council. Israel has been targeted for elimination by the President of a UN member state. Efforts to promote denial of the Holocaust as a global ideology have escalated.

The reform process towards a strong United Nations and a credible human rights system is ongoing. At the time of writing, it is unclear where that process will lead and whether this year will witness yet another full session of the discredited Commission on Human Rights with its lopsided provisional agenda adopted by the 61st session (E/2005/23 and E/CN.4/2005/135).

### ***5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation***

If self-determination is an international principle and therefore the right of all peoples and is further considered a basic condition for achieving a just, lasting and comprehensive peace in the Middle East, we must decry the constant reference to the so-called “foreign occupation” as the “root cause” of the conflict between Israelis and Palestinians. Conflict implies different perspectives of the same situation; therefore, to adhere to only one root cause in a particular conflict is to deny the other side’s reality. Further, this obsession with “foreign occupation” ignores the reality on the ground. Israel has completed the disengagement from the Gaza Strip and remains committed to a peaceful end to the conflict, as long as it is able to achieve normal relations with its neighbors from within secure borders that reflect the right of Jews to self-determination in a democratic state.

### ***6. Racism, racial discrimination, xenophobia and all forms of discrimination .***

We call on the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance to report more fully on antisemitism and its dire consequences. Since the first conference on antisemitism in 2004 within the framework of the UN’s “Unlearning Intolerance” series, the Rapporteur addressed antisemitism in his 2004 report entitled “Defamation of Religions and Global Efforts to Combat Racism: Antisemitism, Christianophobia And Islamophobia”. However, that report was hardly satisfactory, as it raised more questions than answers. No new mandate is required for the Rapporteur to report extensively on antisemitism; the time for such a report is overdue.

The Special Rapporteur should not conflate anti-Zionism with legitimate criticism of particular policies of the Government of Israel. Anti-Zionism denies Jews the right to self-determination and as such targets them for politicide by destroying their political identity. It aims to destroy the ideological basis for the existence of a legitimately recognized, sovereign political entity – the UN member State of Israel. Anti-Zionism is racism because it targets Jews as unworthy of the right to express their desire for a political Jewish identity.

We call on the Special Rapporteur to report on the relationships between Holocaust denial, genocide, politicide and antisemitism. He should take his cue from the recently adopted UN General Assembly resolution 60/7 on Holocaust remembrance and the words of Secretary-General Annan who said: “Holocaust denial is the work of bigots. We must reject their false claims whenever, wherever and by whomever they are made.” In fact, such denial has been criminalized in several democratic countries.

Hateful canards such as the age-old forgery called “The Protocols of the Elders of Zion” have been revived in the public media of several Middle East countries. “Mein Kampf” has been reported as a best-seller in some countries. This hate-mongering has been compounded by the claims that Jews are manipulating the facts of the Holocaust to promote their own political agenda. Such claims must be resolutely condemned by the reformed UN human rights mechanisms, for they doubly victimize those already traumatized by the Holocaust and forebode future efforts to exterminate Jews and the country where many survivors found refuge.

***8. Question of the violation of human rights in the occupied Arab territories, including Palestine.***

In his report on UN reform, the Secretary-General states that the Commission on Human Rights suffers a “credibility deficit”. We believe this is due in good measure to the Commission’s biased nature towards Israel. The fact that one full agenda item, Number Eight, focuses on the conflict between Israelis, Palestinians and relevant Arab States, whereas the next agenda item, Number Nine, applies to human rights violations anywhere else in the world, reflects this selectivity and imbalance. Numerous resolutions condemning Israel have also been adopted under several other agenda items, whereas country-specific resolutions are otherwise rare and adopted under a single agenda item. It is also astonishing that the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 is unlimited, lasting “*until the end of the Israeli occupation.*”

In his most recent report the Special Rapporteur promotes the long-discarded idea of a bi-national state solution to the Israeli-Palestinian conflict. This proposal stands in flagrant contradiction to the Road Map for Peace, to which the UN is committed as a member of the so-called Quartet, which states, “A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors.”

Additionally, the Special Rapporteur ignores the intense need facing all peoples in the area for security against terrorism. The Road Map states “A two-state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism ...” The Rapporteur criticizes Israel’s use of force, stating that Israel and Israeli settlers “terrorize” Palestinians, yet he presents no alternative by which Israel might defend its citizens, a right enshrined in the UN Charter.

This epitomizes the problems that diminish the Commission’s credibility and debilitate the UN’s role as a peace-broker. Any UN human rights reform must rectify this imbalance by adopting an agenda that proportionately addresses country-specific human rights violations and is equitable in the selection and mandates of special rapporteurs.

***11. Civil and political rights, including the questions of: (e) Religious intolerance.***

It is troubling that in her report, the Special Rapporteur on Religious Intolerance does not mention antisemitism in connection with freedom of religion and belief.

***18. Effective functioning of human rights mechanisms: (c) Adaptation and strengthening of the United Nations machinery for human rights.***

As long as the lofty principles enshrined in the UN Charter are violated with regard to one member State, they remain unfulfilled. There can be no real reform unless the pervasive and corrosive institutional bias against Israel is eliminated. We strongly support the maintenance of special procedures, both thematic and country-specific, but member States must rid the new Council of bias against Israel in order to prevent repeating the mistakes of the old Commission on Human Rights. Otherwise, the UN's ability to promote and protect human rights, where it is most needed, will remain in jeopardy.

We support the existence of a strong, effective United Nations and a strengthened, fair human rights system. We are pleased that the following language is included in the draft text to create a Human Rights Council and hope that it will be found its place in the final text in order to render the new Council more credible than the old Commission.

“Membership should be based on the contribution of candidate countries to human rights;

“Elected members should abide by the highest human rights standards and fully cooperate with the Council; and,

“While members, countries should be reviewed under the universal periodic peer review mechanism.”

To ensure an improved membership in which States engaged in gross, systematic human rights violations are not elected, the Council should:

“Ensure an individual and direct vote of two-thirds of the General Assembly;

?Require regional groups to put forward more candidates than the number of seats allocated; and,

?Stipulate that an entirely new Council should be elected, rather than naming the current members of the Commission as the first members of the new Council.”

The Council should be able to respond quickly to matters involving the protection and promotion of human rights. Such emergency meetings, in addition to regular sessions, should be called by one-third of Council members, its Chair, the Secretary-General or the High Commissioner for Human Rights.

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