



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים  
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

61<sup>st</sup> Session of the Commission on Human Rights - Statement by the International Association of Jewish Lawyers and Jurists (IAJLJ) on Item 6 of the Agenda – Racism Racial Discrimination and Defamation in relation to Defamation of Religions and global efforts to combat Racism

The IAJLJ notes the recent reports of the Special Rapporteur (SR) and its recommendations. The SR's recognition that there is undeniably a major resurgence of anti-Semitism, emphasizes the urgent need to combat this disquieting form of racism more effectively.

Our Association strongly endorses the SR's recommendation that anti-Semitism should be regularly reviewed and urges the Commission to adopt his recommendation for the creation of a unit responsible for gathering, analyzing and assessing data on the manifestation of racism including anti-Semitism.

The IAJLJ welcomes the decision of the SR to visit the Russian Federation on the invitation of its authorities as described in his general report (E/CN.4/2005/18). This recent wave of virulent anti-Semitic attacks has reached an extremely dangerous peak with the defamatory letter sent by 19 Deputies of the Duma to the RF Prosecutor General demanding that all Jewish organizations be banned for "inciting hatred to mankind."<sup>1</sup>

President Poutin roundly condemned the climate of anti-Semitism that led to this occurrence in his address of 27 January 2005 on the occasion of the Auschwitz commemoration. The letter of the 19 Deputies which was purported to have been withdrawn, was subsequently supported by extremist nationalist parties. It was also condemned by the RF Ministry of Foreign Affairs. However the Prosecutor General's office took no action against the letter's authors, based on its apparent withdrawal. Subsequently the letter was again condemned by a Committee Chairman of the Duma but appropriate measures were still not taken against the letter's signatories with

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<sup>1</sup> A report published by the Moscow Bureau of Human Rights with the help of the European Union on February 2005 entitled "Nationalism, Xenophobia and anti-Semitism the RF State Duma", provides the factual background to this appalling incident.



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respect to their parliamentary privileges or otherwise. The IAJLJ believes that this grave incident of unbridled anti-Semitism expressed by deputies in the RF's highest legislative organ, should be raised with the competent Russian authorities at the most authorised level. It should also be brought to the attention of the Committee on the Elimination of Racial Discrimination for its urgent attention.

The report of the SR on Defamation of Religions as a phenomenon of racism with respect in particular to anti-Semitism, Christianophobia and Islamophobia raises issues of a controversial character. Its analysis of various aspects of these three forms of religious discrimination closely linked with racism, gives rise to some troubling notions that cannot go unchallenged. Other references to one or another aspect of these three forms of religious intolerance of a racist character may give rise to serious disagreement exceeding the bounds of legitimate controversy.

There can be no doubt that anti-Zionism constitutes anti-Semitism when it denies the right of Jews as such to consider themselves as a people with a continuous history extending over millennia, on the grounds that Jews are not entitled to the right of self-determination. This is not only a violation of the right of self-determination in common Article 1 of both UN Human Rights Covenants, considered by some sources to be *ius cogens* or a peremptory norm of international law. It is also as an exercise in sheer prejudice and blatant discrimination, one of the hallmarks of racism.

Further, the report is less than transparent when it confines hostility towards Jews in certain Arab-Muslim circles as being linked with the Israeli-Arab conflict. The report fails to mention recent alarming cases in which anti-Semitism attributed to European classic anti-Jewish hatred has been entirely taken over by state controlled organs in Arab countries. Recent examples are the screening during the period of Ramadan in 2003 of a dramatized version of the notorious forgery, the *Protocols of the Elders of Zion*, by an Egyptian State sponsored television channel. In 2004 a Syrian sponsored revival of the 1840 Damascus Blood Libel was also screened during the Ramadan on the Lebanese licensed television channel used by the Hizbollah terrorist group, portraying the throat slitting of Moslem or Christian boys by Nazi stereotypes of Orthodox Jews. This led to the official banning by the French authorities of the

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transmission of programs from Lebanon to France by the Al Manar television channel. Despite the submission of documented evidence of these expressions of extreme racial hatred, no remedial action was taken by this Commission or any other human rights organ.

These thought provoking issues are worthy of more critical examination in the framework of constructive dialogue conducted in a spirit of pragmatism and mutual respect. It is to be hoped that the SR will continue to promote concrete initiatives to this end.