

UNITED NETWORK FOR JUSTICE AND PEACE IN PALESTINE AND ISRAEL

Palestine/Israel Trip Report

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The report summarizes the observations and recommendations of the Rev. Steve Berube, a former human rights observer in the West Bank following a recent return visit to Palestine and Israel.

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Dear Minister,

I want to begin by apologizing for the tone of my email of Dec. 2, 2018 seeking a meeting with Canadian representatives in Tel Aviv and Ramallah. There was miscommunication and in the end I met with Scott Proudfoot in Ramallah and Anthony Hinton and Kevin Elliott in Tel Aviv. My discussions with them were cordial, positive and I trust helpful. I was impressed by their professionalism, depth of knowledge and most importantly by their willingness to engage in open and frank conversations.

I would also acknowledge my appreciation to Scott Proudfoot for his visit to Khan Al Ahmar the day prior to our meeting.

Background

I served as a human rights observer with the World Council of Churches in the Bethlehem area five years ago and this was my first return visit to attend a meeting organized by the Heads of the Churches in Jerusalem. As Chair of the United Network for Justice and Peace in Palestine and Israel, I have remained connected with people and events especially in the West Bank.

Overview

From my perspective, the situation has deteriorated significantly for Palestinians. This was evidenced in the three main areas I visited: Bethlehem, Hebron and the Old City of Jerusalem and in the ongoing harassment of Palestinians. A key contact described the situation as, "It is like we are being choked". Palestinian civil society uses a less provocative description - "Shrinking Space."

The evidence of choking/shrinking space can be seen in each of these communities:

- The Bethlehem area has seen the extension of the wall deeper behind the Green Line and the expansion of settlements.
- In the Old City of Jerusalem, there are noticeable differences resulting from the policy of Judaization supplemented and supported by increased Israeli militarization.
- In Hebron, the situation in H2 continues to deteriorate as more settlers supported by the Israeli military have forced their way into the Shuada district.

The evidence of "choking" is also seen in the ongoing deterioration of the human rights situation:

- The Jewish Nation State Law has created two distinct classes of citizens in Israel. South African clergy attending the Kairos Conference described this as, "Apartheid de jure."
- The military court proceedings I attended in Ofer, especially with respect to the treatment of children, are in violation of the 4th Geneva Convention, International Human Rights Laws and the UN Convention of the Rights of Children.
- A member of "Breaking the Silence" discussed how he was instructed to randomly harass Palestinians in order to keep them "off balance" and remind them they were always under threat.
- Representatives from Defence for Children International – Palestine and B'Tselem discussed direct threats made against them by Israeli cabinet ministers.

Summary of Observations

1. Bethlehem

In the Nahallin area, it was shocking to see the expansion of settlements over the past five years. This is especially significant considering the Obama administration held settlement expansion mainly in check for three of the last five years. Settlement expansion will increase in pace according to several media reports. This is a clear violation of the 4th Geneva Convention and additionally goes directly against the ruling of the International Court of Justice.

In strong contrast, is the ongoing Israeli demolition of Palestinian homes and structures. It was reported to me that many families whose homes were destroyed by the Israeli military were given such short notice that they had no time to remove their possessions. Further, Israelis are still delaying building permits requested by Palestinians for years.

It was disappointing to see the extension of the Wall across the Cremisan Valley in spite of the diplomatic and legal efforts of the Roman Catholic Church. According to B'Tselem, 85% of the route falls inside of Palestinian Territory. The confiscation of this land seems to have occurred so Israel can construct a more direct route between the settlements of Gilo and Har Gilo. Again, this is a violation of the Geneva Conventions and again fails to respect the ruling by the International Court of Justice.

2. Jerusalem

Jerusalem, especially the Old City, is sacred not only to Jews but also to Christians and Muslims. Therefore, transformations in its character are especially egregious to people of faith.

There is a marked increase in the presence of the Israeli military from five years ago on Haram al-Sharif and the entrances to the Muslim Quarter. Additionally, there was a noticeably stronger military presence near the Church of the Holy Sepulcher.

The construction of shelters for the Israeli military is especially offensive on Haram al-Sharif and at the Damascus Gate. The erection of a shelter against the Dome of the Rock is insulting and detracts from one of the most beautiful holy sites in the world. The shelters at the Damacus Gate are distasteful from an ascetic and historical perspective. But, what was even more disturbing was the harassment of Palestinians going about their lives by the Israeli soldiers stationed at the Gate.

Overall, there appears to be increased signage for Jewish sites while the signage for Christian and Muslim sites shows marked deterioration.

All of this aligns with the Israeli policy of the increased Judaization of Jerusalem.

3. Hebron

The situation in H2 has deteriorated from five years ago. Vendors in the market have seen a marked decrease in business as settlers continue to disrupt and harass them by throwing human excrement and household garbage from apartments above down on the market stalls.

There is also increasing Judaization of H2 by settlers in forcibly evicting Palestinians from their homes.

During my brief visit to Hebron, I witnessed Israeli military personnel aggressively harass and search Palestinians who were leaving the Tomb of the Patriarchs. I also witnessed a Palestinian being beaten by Israeli military members when he offered minimal resistance to arrest in the streets of Hebron.

Children and Israeli Military Courts

My experience in visiting the Israeli military court in Ofer confirmed that the Israeli treatment of Palestinian children and Palestinians is not focused on justice and due process but on maintaining and extending control over Palestinians and deepening the occupation.

Palestinian children in the West Bank and Jerusalem, like adults, face arrest, prosecution and imprisonment that violate their rights guaranteed under international treaties to which Israel is a high contracting party.

As has been noted by others, Israel has the dubious distinction of being the only country in the world that automatically prosecutes children in military courts. Further, mistreatment of Palestinian children in detention has been well documented by UNICEF, Defence for Children International – Palestine (DCI-P) and B'Tselem. DCI-P, a well respected international NGO, has documented that **three out of four children experience some form of physical abuse while in custody of the Israeli Military Court system.**

Children coming before the court are naturally afraid because;

- They have been taken from their families and have no contact with them until the court hearing when they are shackled upon entry and remain separated from their family,
- Three quarters have been physically or psychologically abused,
- They have not been informed of their rights and have not been offered legal assistance until they are approached by someone from DCI-P or another legal group in the courtroom,
- The proceedings and documents are in Hebrew - a language they do not understand,
- They are in a setting that is unfamiliar and face a process that is alien,
- They face trumped-up charges, usually rock throwing, with no witnesses other than spurious, undocumented claims by Israeli soldiers.

As someone who has attended a variety of court proceedings in Canada, I was disturbed not only by what is outlined above but by the lack of professionalism of the Israeli court officials.

In a meeting with a psychologist from the Jerusalem Center for Women, she discussed a Palestinian child who was first arrested at the age of 12 and then imprisoned over 20 times by the Israeli military before he turned 19. We also learned of tactics used by the Israeli military to entrap children and their families and the ways that the Israeli military harassed families of children in custody.

The Israeli military courts have a conviction rate of 99.75% according to Israeli government statistics.

It is important to also note that DCI-P supports children who have been charged in the West Bank and Gaza by Palestinian authorities.

Nation State Law

When three South African clergy independently told me that what they have seen in Palestine is worse than what they experienced under apartheid. Their analysis echo's comments made by Archbishop Desmond Tutu in correspondence with me four years ago,

“Even a decade or more ago when I first visited the Holy Land I saw the marks of apartheid in the policies of the Israeli government continued to the present day. The Palestinians are forced to live in segregated areas, often relocated to less desirable land so Jewish settlers can live in fine red ceramic-roofed houses with paved roads while most Palestinians live in squalor in villages and refugee camps. Water is diverted to settlers so that they can have nice green lawns, irrigated fields and community swimming pools while Palestinians endure shortages and dusty roads. I have looked at this and seen the ugly face of apartheid and the racism within it. I have been vilified numerous times for making this comparison to apartheid. I shrink not one step backwards. I saw and I name what I saw: apartheid, separation, segregation. I might add that these settlements are illegal under international law, as is the occupation itself, and an affront to the world.”

I have never lived under apartheid but I must respect the comments and judgments of eminent South Africans, especially Archbishop Tutu who chaired the first ever Truth and Reconciliation Commission and who is also a distinguished Nobel Laureate.

There are some who claim that the Nation State Law changes nothing for Palestinians in the West Bank. The question becomes why are there two classes of citizens in a country that claims to be a democracy? Further, what differentiates Israel's treatment of Palestinians from that of South Africa's treatment of blacks under apartheid?

Threats Against NGO's and Civil Society Working for Justice and Peace

There are numerous reports of cabinet ministers who have issued direct threats and used dog whistle statements to incite their base toward violence against leaders in civil society.

In a meeting with Hagai El-Ad, Executive Director of B'Tselem, he mentioned the direct threats that have been made against him and others involved in human rights work - including death threats.

The work of B'Tselem is vital to Israeli and international human rights defenders. The statistics they compile and share offer a unique lens through which to understand the levels of violence perpetrated by both Israelis and Palestinians.

DCI-P has also been threatened because of their vital and important work. **This past year 57 Palestinian Children were killed by Israeli forces. At the end of December, 22 children were in solitary confinement.** Each year between 500-700 Palestinian children face the Israeli military court system.

Israel's Democracy

The first sign of a crumbling democracy is when civil rights and defenders of civil rights come under attack by the ruling government.

The Israeli government directly and indirectly through groups like, NGO Monitor, CIJA, Honest Reporting Canada and others, regularly attacks those who attempt to hold the Israeli government accountable for violations of international treaties and laws. The government and other groups frequently equate reports on human rights violations as being Anti-Semitic. Yet, when has the criticism of a government or its agents for failing to live up to obligations under international law even constituted hate speech?

Israel claims to treat all citizens equally under the law. In reality, the Nation State Law brings together several pieces of legislation that provide for preferential treatment of one group over another. Further, it legitimizes the construction of settlements in stating that building and strengthening settlements is in the "national interest."

Israel claims that it has the most moral army in the world. The shooting of Dr. Tarek Loubani and his testimony indicates questions about this claim must be raised. Israeli snipers have shot and killed or seriously wounded children, medical personnel and journalists this year. Israel has only recently admitted to the use of white phosphorous in munitions used in attacks on Gaza.

Daniel Sokatch, chief executive of the New Israel Fund asks, "What do you call an arrangement where your country controls every aspect virtually of the lives of 2.7 million people who have no say or vote in the government that rules them?"

Israel has maintained a defacto low intensity conflict with Palestine by applying military and political tactics that draw only minimal international criticism. In so doing, Israel continues the expansion of settlements and seizure of Palestinian land and resources while risking minimal international criticism from western powers.

Israel and the Biblical Narrative

There are many who claim that Israel has a divine right to the land dating back to the Biblical period. There is no doubt that Jews lived in the area and that many became part of the diaspora following the sacking of Jerusalem in 70 CE. Yet, to claim that the land is theirs because of a divine promise is viewed by most mainline Christian biblical scholars as a misinterpretation of the Biblical and historic narrative.

(I am not as familiar with how Islamic and Jewish scholars address this issue.) If it is by divine providence that Israel should have the land then why did God remain silent between the years 70-1948?

Meanwhile, this claim stands in stark opposition to the reality that most Palestinians have lived in the region since the Biblical period. It is well recognized that people, especially in agrarian societies, are attached to their land and will convert to whatever belief is prudent so they can remain in that place. When the diaspora occurred, many farmers would have converted to Christianity or Roman paganism so they could continue with their lives.

Canadian Policy

Our current Prime Minister clearly speaks about the importance of human rights to Canadians. He, like others before him, stand on the shoulders of John Peters Humphrey, a New Brunswicker, who many scholars believe was the principle drafter of the Universal Declaration of Human Rights which undergirds much of the Fourth Geneva Convention and International Human Rights and Humanitarian Law.

Canadian policy toward Palestine and Israel spelled out on the Global Affairs website is clearly centered on respect for the Fourth Geneva Convention and international humanitarian and human rights law.

- Canada is clear in stating that Israeli settlements contravene the Fourth Geneva Convention.
- Canada is also clear in opposing the construction of the wall/barrier inside the occupied territories.
- Canada does not recognize Israel's unilateral annexation of East Jerusalem.
- Canada clearly states that Israel is obligated as an occupying power under the Fourth Geneva Convention to offer humane treatment of the inhabitants of the occupied territories.

With these policies in mind, I trust you would be concerned by what has been reported:

- Further expansion of settlements.
- Further incursions into occupied territory by the wall/barrier.
- The increasing Judaization of Jerusalem and Hebron.

All of these moves by the Israeli government contravene Canadian policy and become an impediment toward a peaceful resolution.

Further, I trust you would be concerned by reports of:

- The transfer of children into Israeli territory for trial in contravention of the Fourth Geneva Convention.
- The use of a foreign language with Palestinian children in Israeli military courts.
- The threats against human rights organizations and human rights defenders by the Israeli government including members of the Israeli Cabinet.

Unfortunately, Canadian policy has not been aligned with our votes at the UN General Assembly since the Martin government on Palestine and Israel. The government website notes, "Successive Canadian governments have been concerned about the polemical and repetitive nature of many of the numerous resolutions." The question becomes, why should the UN ignore Israel's refusal to do any of the things that have been adopted by the General Assembly and as Israel continues to flout the Fourth Geneva Convention and other international treaties and laws? Additionally, why does the Canadian government offer support to Israel as it fails to live up to its obligations as an occupying power and as it continues to violate international the human rights of Palestinians?

It is worth noting that Israel has been an occupying power for over 70 percent of the time that it has been a state. The signatories of the Fourth Geneva Convention did away with the idea of annexation and very specific in saying that occupations are meant to be temporary. A 50 year long occupation cannot be considered temporary. The present Israeli government by its expansion of settlements, extension of the wall and the building of roads in Palestinian territory shows no sign that the occupation is anything other than permanent.

On a different note, the government of Canada is to be commended for offering additional assistance to various UN agencies in the face of cuts by the Trump administration in the US.

Recommendations

1. The Canadian government appoint an ambassador for Human Rights with Palestine and the Middle East as a key focus.
2. Appoint a Special Envoy to promote, monitor and report on human rights situation of Palestinian children living in the Occupied Palestinian Territory:
 - Specifically undertaking an evaluative analysis of Israeli military law and practice as they affect Palestinian children in the West Bank by reference to the standards of the Fourth Geneva Convention, the Convention on the Rights of the Child and other applicable international law.
 - Further, that the review evaluate the long term consequences of the imprisonment of approximately 40% of the male Palestinian population on the prospects for peace.
3. Global Affairs Canada officials in Ramallah and Tel Aviv develop links with Defence for Children International – Palestine and attend military court sessions involving children.
4. Take concrete steps to promote greater respect for human rights and increase protections for Palestinian children and their families;
5. Hold Israeli authorities accountable to obligations under; the Fourth Geneva Convention, the Convention on the Rights of the Child, international human rights law and international humanitarian law for violations that have been noted.

Peace, Paix, Salaam, Shalom,

Rev. Steve Berube

Chair: United Network for Justice and Peace in Palestine and Israel