

HUMAN RIGHTS AND THE PALESTINIANS*

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*"Woe to him who builds his palace on injustice,
his chambers upon fraud, who forces other men to
work for nothing, holding back their wages."*

Jeremiah, 22: 13

*"It is much easier|to pass an elephant through a
needle's eye|or catch fried fish in galaxy|plough
the sea|or humanize a crocodile|than to destroy|
the shimmering glow of a belief|or check our march|
one single step."*

*Tawfeek Zeyad
Palestinian poet*

I. INTRODUCTION

It is gratifying that concern for human rights is global. There is also a general consensus that respect for human rights ought to be indivisible. The community described as "Palestinian" and that which identifies itself as "Israel" may be better understood and their role in history better evaluated if one assesses the human rights aspect of their respective positions.

The founders of Israel, which occupy a special place not only in the Middle East and Eastern Mediterranean, but also in the world, have themselves suffered from oppression. It is common knowledge that the outrageous doctrine of fascism has served as an excuse for atrocious acts against the Jews. The word "genocide", describing a new kind of massacre, was coined in our time. It is exactly this point that creates an emotional obstacle, that is, not all are inclined to believe that Israelis, as

* Presented at the International Conference on Human Rights, Istanbul, March 1979.

sons and daughters of a community which had been a victim of persecution, could persecute others. But if there are such allegations, then, there is more the reason to examine them. This is what this paper aims to do by referring to the laws and practice on the land of occupied Palestine.

One may start by quoting a significant Israeli document. The Proclamation of Independence of the State of Israel contains the following words:

“[The State of Israel] will devote itself to developing the Land for the good of *all* its inhabitants. It will rest upon foundations of *liberty, justice and peace* as envisioned by the Prophets of Israel. It will maintain *complete equality* of social and political *rights* for *all* its citizens, without distinction of *creed, race* or *sex*...”¹ (Italics mine.)

Many Western writers have indeed referred to Israel as the only democracy in the Middle East. George Lenczowski describes Israel as a Western parliamentary democracy.² Harlan Cleveland goes much further than that. He says that Israel “is an efficient democracy in the Middle East, a Western island in a sea of Oriental feudalism”.³ The Europa annual on the Middle East upholds that democracy seems to have “taken root more effectively in Israel”.⁴ Bernard Lewis maintains that there are three countries in the Middle East where political democracy functions at all - Israel, Lebanon and Turkey.⁵ The same author adds that, given time, Israel would develop into a secular nation.⁶ In another Western source, Israel is presented as “a modern secular democracy”.⁷

1 *Israel Pocket Library: Democracy*, Jerusalem, Keter P.H., 1974, p.ix.

2 *The Middle East in World Affairs*, Ithaca, New York, Cornell University Press, 1962, p. 403.

3 Philip W. Thayer, ed., *Tensions in the Middle East*, London, Oxford University Press, 1958, pp. 228-229.

4 *The Middle East: 1953*, London, p. 149.

5 *The Middle East and the West*, London, Weidenfeld and Nicolson, 1963, p. 56.

6 *Ibid.*, p. 91. Also see: Bernard Lewis, “Democracy in the Middle East-Its State and Prospects,” *Middle East Affairs*, Vol.VI (1955), pp. 101-108.

7 Richard N. Frye, ed., *The Near East and the Great Powers*, Cambridge, Mass., Harvard University Press, 1951, p. 107.

II. RACISM IN PALESTINE

But it was none other than Judge Haim Cohn of the Supreme Court of Israel who said as follows:

“It is one of the bitterest ironies of fate that the same biological or racist approach which was propagated by the Nazis and characterized the infamous Nuremberg laws should, because of an allegedly sacrosanct Jewish tradition, become the basis for the official determination or rejection of Jewishness in the state of Israel”.⁸

The authoritative literature of the Zionist movement shows that the ouster of the bulk of the indigenous Palestinian Arabs was, from the beginning, a requirement of Zionism, which vests certain rights to some people and denies the same to others. It upholds that a Jew, by virtue of being a Jew, has the “right to return” to Palestine, although that person might never have been there before. But a non-Jew has no such right even though he may have been born there.

The Zionists claim that the solution to the “Jewish question” lies in the gathering of all Jews in a single state, i.e. in the creation of a Jewish ghetto in a new form. This logic presupposes that the Jewish persecution emanates from the fact of Jews living among non-Jews. It erroneously follows that anti-Semitism is not a class phenomenon inherent in capitalism and feudalism, but something “natural” living in other nations. Consequently, according to the Law of Return, enacted by the Knesset in 1950, any Jew from any corner in the world has the right to migrate to Israel without any hinderance. This immigration is based on discrimination. It violates the non-discriminatory spirit of the Universal Declaration of Human Rights. If a person who has never lived in Palestine previously can become a citizen upon arrival, whereas a person who has lived there all his life may not meet the requirements for citizenship, that is, if those who ought to have a natural possession of citizenship have to strive to acquire it while those who are aliens are qualified citizens just because they happen to be Jews, then such recognition and denial of citizenship are issues for human rights.

⁸ *The Times*, London, July 25, 1963.

Zionism has indeed cast, across the land of Palestine, a net of judicial racism held firmly by the police and the army, denying the non-Jews their inalienable human rights. This discrimination does not exclude the Christians. The observations of Bishop Theodorus of the Greek Church, of the Catholic Bishop Ni'mat Al Sim'an and the Moslem Mayor of Old Jerusalem are surprisingly similar.⁹ For example, the Greek Orthodox circles in Jerusalem complained that the occupying Israeli authorities have confiscated large areas of land belonging to the Patriarchy. The tale of the two hamlets Berem and Ikrit is a symbol of Israel's intentions for its Christian citizens.¹⁰ The Christian Arabs of these tiny villages were asked to evacuate their homes for a fortnight, with a promise that they would be allowed back. The pledge was made in 1948. After decades, the villagers are still displaced persons.

Zionism also draws several racial lines within the Jews themselves. The plight of many immigrants in Israel, once the veil of the Biblical legends fall away from their eyes, ought to be common public knowledge by now. The white European Jews are discriminating against the Oriental and Black Jews. The discontent of the Yemeni, Indian, Moroccan and Iraqi Jews have erupted in riots and demonstrations several times since 1951. Although Oriental Jews constitute more than half of the population in Israel, very few have been members of the Parliament and the Cabinet.

The discontented among the Fellasha Jews from Ethiopia and the American Black Jews coming directly from the United States or via Liberia have repeated in Israel the phenomenon of "Black Panthers" in 1971. Here is one evidence out of many showing discrimination against the coloured Jews:

"The Fellashas are deeply religious Jews, and have been for two-thousand years. They are intelligent, hard working people living off the land. It would be

9 For a Christian critique: The Christian League of Testimony, *Christians and Israel*, Beirut, 1978. Also: *Christians, Zionism and Palestine*, Beirut, the Institute for Palestine Studies, 1970.

10 Edwin M. Wright, *A Tale of Two Hamlets*, Cleveland, the Northeast Ohio Committee on Middle East Understanding, 1973. Also: *Newsweek*, August 21, 1972.

easy to settle them on *kibbutzim*. At present, there are only a dozen Fellasha Jews begging the Israeli consul to grant them visas. Among them are Samuel Wubshet, his wife and his baby. . . . Recently, the case of the Wubshet family's departure for Israel reached the crisis point. After waiting two years for the right to make *aliyah* (to immigrate to Israel), the Israeli Embassy in Addis Ababa informed them they would finally be granted 'tourist' visas - if they could meet two prior conditions. First, they would have to produce their tickets to and from Israel (\$560 each way); second, they would have to produce \$100 for each member's stay in Israel in order to prove financial independence during their visit. . . . These demands have never been asked of any tourist - Jewish or non-Jewish - going to Israel."¹¹

The indigenous Palestinian Arabs in Israel are, hence, fourth-class citizens after the European, Oriental and Black Jews.

III. DISCRIMINATION AGAINST THE PALESTINIAN ARABS

Zionism requires two related processes, namely the separation of the Jews from their respective countries, with the consequence of their transplantation on a different soil and also the removal of the non-Jews from the same land. This inter-related process involves, first of all, the inhuman transfer of the Palestinians. The outstanding instruments on human rights state that no one may be arbitrarily deprived of the right to enter his own country. But Israel is deliberately conducting a policy aimed at compelling the Arab population of occupied Palestine to leave it and prevent the return of those who have already left.

It should be an undisguised fact by now that even before the establishment of the Israeli state on May 14, 1948, the Zionist

11 "Does Color Determine Marginality?" *Sh'ma: A Journal of Jewish Responsibility*, Vol. III, No.44 (December 22, 1972), pp. 30-31 in Faye A. Sayegh, *Zionism and Racial Discrimination: Four Statements Made at the U.N. General Assembly*, New York, Office of the P.L.O. to the U.N., 1976, p. 18-19.

terrorist organizations Irgun, Stern and Hagana waged a campaign designed to force the Arab population of Palestine to leave the country. The climax of this campaign was, as well-known, the Dair Yassin massacre of April 9, 1948. 254 Arab villagers were killed, and captured women as well as children paraded through the streets of Jerusalem.¹² This massacre was a decisive psychological factor in forcing the indigenous population to abandon their homes and lands in great numbers. Many more were forced to leave by the creation of the Zionist State of Israel and still more by the end of the 1948 war. Israel has continued this policy ever since. Following the Zionist aggression of June 5, 1967, more people were expelled from their homes.¹³

In addition to mass depopulation, the Israelis also frequently resort to individual deportations, particularly of intellectuals. Some cases in point are the banishments of the prominent Jerusalem lawyer Abed Al-Musein, Abed Massayer or Abdul Jawad Salih, the Mayor of Al-Birah.¹⁴ Fawaz Turki paints a moving picture of the tormented Palestinian living in exile.¹⁵ The Palestinian is still considered an alien, an outsider, a refugee, a burden - and now a "terrorist". It is true that Sirhan turned into an assassin,¹⁶ and Leila Khalid hijacked aircraft, but it is terrorism that lies at the roots of the State of Israel.¹⁷

In occupied Palestine, there is no law which makes discrimination illegal. Israel is and wants to stay a "Jewish state". This means that the majority should always be Jewish. And to protect the Jewish majority, the Palestinian Arabs, Moslem or Christian, must remain refugees. Tens-and-thousands of Palestinians are not even Israeli citizens although they live in Israel; neither are their children. They are not given a passport, but a "traveling card" valid for one year. If the person in question fails to

12 *Jewish Newsletter*, October 3, 1960.

13 The Permanent Committee for Palestinian Deportees, *Enforced Exile*, n.p., n.d.

14 Abdul Jawad Salih, *Deportation*, Beirut, P.L.O. Foreign Information Department, 1977.

15 *The Disinherited: Journal of a Palestinian Exile*, New York, Monthly Review Press, 1972.

16 M.T. Mehdi, *Kennedy and Sirhan: Why?* New York, New World Press, 1968.

17 Bassam Bishuti, *The Role of the Zionist Terror in the Creation of Israel*, Beirut, Palestine Research Center, 1969.

return within a year, he is not permitted re-entry. But Article 13, Part 2 of the Universal Declaration of Human Rights affirms that "everyone has the right to leave any country, including his own, and to return to his country." The racist Zionist State holds, nevertheless, the majority of the native Arab Palestinian population of its territory in permanent exile, merely because the people in question are non-Jews. To regard millions of people, who have legal claims to citizenship as aliens, and to treat them as infiltrators as soon as they venture to exercise their *right* to enter their own country or even to shoot them as criminals contradict the existing international documents pertaining to human rights no less than the 1947 U.N. General Assembly resolution (partitioning Palestine) which stipulated that every person had the right to citizenship in the state in which he happened to reside.

In short, of all *human rights*, the most natural is the right of the person to live, work and die in his own native country. The racist State of Israel denies this right to over two million Palestinians in a most brutal way.

Those Palestinians who have remained on their land are also discriminated against in various ways, both *in law* and *in practice*.¹⁸ The "Koenig Report" is very illuminating in this respect. "Top Secret: Memorandum Proposal-Handling of the Arabs of Israel", an Israeli document, now generally referred to as the "Koenig Report",¹⁹ intending to analyze the situation of the Arabs of Israel and pretending to suggest ways to handle them, was published in *Al-HaMishmar*, one of Israel's major daily newspapers, on September 7, 1976. It was written by Israel Koenig, who was the "District Commissioner for the North", that is the official responsible for putting into effect the policies of the Israeli Ministry of the Interior in the Galilee district, where most of the Arabs live. The report was submitted as a memorandum to the Israeli Prime Minister and other authorized people. It is not the eccentricity of a semi-lunatic, nor a product of an unbalanced minor official. Its author was a leading func-

18 Sabri Jiryis, *Democratic Freedoms in Israel*, Beirut, Institute for Palestine Studies, 1972; ———, *The Arabs in Israel*, New York, the Monthly Review Press, 1972.

19 Sometimes, as the "Koenig Plan" or the "Koenig Program".

tionary of the political party, in which Ben Gurion, Eshkol, Meir and Rabin have been toasting, now and then, to democratic principles and human rights.

The publication of the "Koenig Report" caused some stir in Israel. The Mapam supported Koenig and opposed the publication. Most of those to the right of Mapam were for the report. Likud condemned the "leakage" only, not the report. But the left, that is the whole opposition camp, was violently anti-Koenig; the word "Nazi" was frequently used to describe the notorious author of the memorandum. The Israeli daily, which decided to publish the full content of the document, stated that it was exposing a "dangerous evaluation". Here is how the *New Outlook* assessed the situation:

"It is a sign of a very dangerous disease indeed in Israeli society that almost all the right and religious elements, plus significant segments of the Labor Party, have sided with the report. It and Koenig have become symbols to a chauvinist spirit which concludes *a priori* that there is little place for Arabs in the society, that they are a potential threat, and therefore must be treated like second-class citizens."²⁰

It is no wonder, then, that, to begin with, there is effective discrimination against Arab political representation. The bureaucracy of the racist Zionist state has resorted to several means to prevent genuine Arab representation in the Knesset. Not only the threat of invoking the notorious Defense (Emergency) Regulations of 1936 scare many Arab would-be candidates for election, but the ruling Jewish parties have found ways of having their own candidates succeed as Arab representatives, and worse, there have been cases of the election commissions refusing to register Arab candidates on grounds of the "subversive" nature of their list.

The Defence (Emergency) Regulations, referred to above, are inherited from the British Mandate and are still legal and operative in Israel. Enacted originally to suppress the Arab revolt, the racist State of Israel utilizes these regulations to suppress

²⁰ September-October 1976, p.4.

the freedoms of the Arab population. In short, the Arab faces, at all times, the possibility of not only administrative detention, but also immediate deportation, leaving all possessions behind and without any charge whatsoever. It is appropriate to remember in this connection that Article 9 of the Universal Declaration of Human Rights affirms that "noone shall be subjected to arbitrary arrest, detention or exile." But a Palestinian Arab living in Israel may be arrested or deported for no reason.

When the Defence Regulations were introduced in 1936, they had been violently criticized by the Jewish community in Palestine. Dr. Bernard Joseph, the representative of the Jewish Agency, who was later to become Israel's Minister of Justice, had explicitly asked: "Are we all to become the victims of officially licensed terrorism?"²¹ It is the same laws, which contradict the fundamental principles of law, justice and jurisprudence, the same regulations which abolish the rights of the individual, that are operative today. Here is how Ya'acov Shapiro, another former Minister of Justice, qualified the same Regulations:

"The system established in Palestine since the issue of the Defence Laws is unparalleled in any civilized country; there were no such laws even in Nazi Germany. . . . There is indeed only one form of government which resembles the system in force here now - the case of an occupied country."²²

Under the 1936 Regulations, all power is held by the military commander. A political prisoner persecuted by this Regulation cannot appeal to the Israeli Supreme Court or to any civilian authority. Appeals may be made to the Chief of Staff, who is also the military person involved in constituting the original court.

The Keren Kayemeth Leisrael Law of 1953, the Covenant of 1961, the Agricultural Settlement Law of 1967 and other acts prohibit the *sale* and *leasing* of land to non-Jews. It is apparent then, that the Israeli laws negate the non-Jewish citizen's right

21 Michael Adams, *Israel's Treatment of the Arabs in the Occupied Territories*, New York, Americans for Middle East Understanding, [1977].

22 Union of Liberal Student, *Political Prisoners and Human Rights in Israel*, London, [1972], p. 24.

to own property on an equal footing. The non-Jewish citizen is also subject to arbitrary deprivation of his property on a discriminatory basis. Article 17 of the Universal Declaration of Human Rights states, however, that "everyone has the right to own property alone as well as in association with others" and that "no one shall be arbitrarily deprived of his property". And Article 2 of the same document affirms that this is to be "without distinction of any kind."

Official Israeli publications indicate that nine-tenths of all agricultural land are owned by the State or the Jewish National Fund. The By-laws of the Fund and the Agricultural Settlement Law of 1967 forbid the sale or lease of land to non-Jews. There are no Laws forbidding the sale or lease of land owned by non-Jews to Jews. Walter Lehn's study²³ shows how the Fund reserves only a limited amount of the credit for the land appropriated; the largest share goes to military conquest.

Territory now classified as the Jewish National Land is vast tracts of land confiscated from the Arabs.²⁴ Most land was confiscated from them after 1948, on account of their national origin. The Law of December 12, 1948, for example, defined the future status of a piece of land, whose owner was absent for six months during the Palestine War. This provision was severely applied in the case of Arabs. There is no case of demonstrating the opposite, that is, transfer of an inch of Jewish land to an Arab.

It is also forbidden to use Arab labour on Jewish National Land. Indeed, there is a general discrimination of employment in Israel. Discrimination is directed against the non-European Jews as well as the Arabs. It is true that the privileged European Jew has a virtual monopoly over the highest paid jobs, but the native Arab Palestinians are far more disadvantaged than any non-European Jew. The Arabs are not employed in positions which have, by any stretch of imagination, a connection with national security. They are, in principle, cannot be seen in any

23 Walter Lehn, "The Jewish National Fund," *Journal of Palestine Studies*, Vol. III, No. 4 (Summer 1974), pp. 74-96.

24 John Ruedy, "Dynamics of Land Alienation," *The Transformation of Palestine*, ed., Ibrahim Abu-Lughad, Evanston, Illinois, 1971, pp. 119-138.

official post supervising Jews. More seriously, laws prohibit the employment of non-Jews on Jewish National Land.

Housing and education facilities are also based on discrimination. Better apartments are traditionally inhabited by the European Jews, but no public funds for housing are allocated in the case of Arabs. Although the appropriate articles of the international instruments of human rights (for instance, Articles 33, 53 and 54 of the Fourth Geneva Convention, Article 17 of the Universal Declaration of Human Rights and Article 5 of the United Nations Covenant on Civil and Political Rights) prohibit collective punishment, pillage and reprisals, Arab houses are blown up, whole Arab quarters demolished and Arab villages (Beit Ur, Khirbat al-Sikka, Sorif, Adhna, Ula, Yalu, Nuna, Al-Burj and the like) completely destroyed.

It is not only the Arabs who are alarmed when Israeli bulldozers start working on, say, Mount Scopus. Everyone's thoughts can easily revert to the nightmare of the hills of Jerusalem being covered with *shikurum*, that is, concrete tenements disfiguring the beautiful original skyline. The reports of the Special Committee to the U.N. Secretary-General, based on oral and written testimonies of individuals and organizations as well as documentary films show that there are new Jewish settlements in the annexed territories, that more Arab lands are being expropriated, that Arab rights are further threatened by the new master plan for Jerusalem, that Jewish housing on confiscated Arab lands leads to mass exodus of the Arab population, and that more and more Arab villages are being eradicated.

As to discrimination in education, Dr. Fayez A. Sayegh,²⁵ making use of Israeli laws and practice, proves that Arab children are enjoying less than equal access to educational opportunities, in comparison with Jewish children. This inequality is much more marked at higher levels of education, not covered by the Compulsory Education Law. Higher education is almost entirely reserved for Jewish students. It appears that the Arabs represent less than one percent of the total enrollment in the universities and the other institutions of higher learning. Equally important

25 Fayez A. Sayegh, *Discrimination Against the Arabs in Israel*, Beirut, P.L.O. Research Center, 1966.

is comparative information on the facilities provided to students in the Jewish and Arab educational systems. Indices as ratio of students to teachers, degree of qualification of teachers and size of classes show discrimination against the Arabs. The Israeli Ministry of Educational Culture considers it of particular concern to itself to impart a broader knowledge of Jewish cultural heritage, customs and traditions and a deeper interest in the Diaspora, in the whole educational system. The bearing of such a Jewish-centered concept of official education upon the rights of the Arabs hardly requires any comment.

It is appropriate here to compare in this International Year of the Child (1969) "the Declaration of the Rights of the Child" with the circumstances surrounding the Palestinian children. The Declaration is well-known. One should remember, on the other hand, that a Palestinian child is the only child in the world denied official recognition of his nationality, that he witnesses the demolition of the house in which he was born, that he is forced to live in deprived, over-populated districts in a climate of poverty, poor services and under-nourishment, that conditions are equally bad or worse in the refugee camps, that he is socially handicapped and that the expulsion of the indigenous population has resulted in the disintegration of many Palestinian families.

IV. HUMAN RIGHTS IN LANDS OCCUPIED IN 1967

The conditions in territories occupied after the 1967 aggression of the Zionist entity are even more alarming. The racist State of Israel is flagrantly violating in the occupied lands the 1907 Hague Agreement, the Third and Fourth Geneva Conventions, the London Charter of 1945, the Universal Declaration of Human Rights, the International Convention for the Prevention and Punishment of Genocide and the United Nations Covenant of Civil and Political Rights.

A basic argument on which the Nazis based their defence was that there had been no international convention sufficiently protecting civilian populations during the war. The Jews were, then, among the victims. A conference was convened in Geneva in 1949 so that the same crimes could not be repeated. It elabora-

ted a convention to protect civilians in wartime. Israel participated in this conference. What is more, it signed the Convention on August 12, 1949, and ratified it on July 6, 1951. However, Israel habitually violates this Convention, specifically formulated to prevent the repetition of crimes of which the Jews were the victims. It is a bitter irony that similar crimes are now being committed by them.

As well-known, Israel now occupies territories that belong to the three neighbouring Arab states, namely, the Syrian Arab Republic, the Egyptian Arab Republic and the Hashemite Kingdom of Jordan. The occupied Syrian and Egyptian territories are outside the boundary of the Palestine Mandate, approved by the League of Nations and the United Nations. Gaza and the West Bank, however, fall outside the frontiers ascribed by the 1949 General Armistice Agreements. But while signing and ratifying the Geneva Conventions, Israel has made no reservations regarding the geographical areas to which the provisions of these Conventions would be applicable. Hence, these instruments, particularly the articles relative to the Protection of Civilians in Time of War, are operative in the territories occupied by Israel in 1967.

Let us remember that Article 42 of the Hague Convention declares a territory as *occupied* "when it is actually placed under the authority of the hostile army." And Article 4 of the Fourth Geneva Convention defines persons protected by the convention as those who "find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict of Occupying Power of which they are not nationals." It is apparent, then, that the Golan Heights, the West Bank, the Gaza and the Sinai are all *occupied* territories and their inhabitants are *protected* persons within the meaning of the Hague and the Geneva Conventions.

However, the civilian Arab populations of the occupied lands ought to enjoy certain rights, as prescribed in the provisions of the agreements cited above. But Israel is depriving them of their rights even though the cases in question might be non-military. Whereas some articles of the said Agreements recognize exceptions in cases pertaining absolutely to security measures, the racist State of Israel is going to the extreme of destroying

houses to provide parking space in front of the Wailing Wall-an act which cannot be interpreted as a consequence of a "security" measure. The settlement of Israeli citizens in the occupied territories, the prevention of the refugees from going back to their homes, mass arrests and several acts of intimidation are all violations of the above-mentioned international agreements on human rights. The United Nations Commission on Human Rights, in its Resolution 6 (25), has deplored the Israeli non-compliance with the terms of the Agreements it had signed and ratified.

Reports on arrests and torture are especially shocking. There are conflicting figures for the total number of political prisoners in Israel. The true figure for the Palestinians is often distorted by the Israelis, who do not list administrative detainees. The Israeli League for Human and Civil Rights, a body of democratic Israeli citizens to be referred to in some detail below, quoted, back in 1972, 4000 condemned prisoners and 10,000 arbitrary detention. But these figures do not take into account the Palestinians who are restricted to their villages or homes.

Torture has been amply documented in the reports of the Amnesty International, the United Nations, the International Red Cross and the Israeli League for Human and Civil Rights. The Israeli Premier Menahem Begin himself suffered in prisons and condemned the British methods of interrogation. Israel has used against the Arab prisoners the same Mandate Regulations and applied worse treatment. A *Sunday Times* team has carried out a detailed inquiry in Israeli-occupied territories into Arab allegations and official Israeli denials of the use of torture. It concludes (in part): "... Torture of Arab prisoners is so widespread and systematic that it cannot be dismissed as 'rogue cops' exceeding orders. It appears to be sanctioned as deliberate policy."²⁶

Article 5 of the Universal Declaration of Human Rights, Articles 3,4,13,17,25,26 and 27 of the Third Geneva Convention, Articles 27,31,32,85 and 116 of the Fourth Geneva Convention as well as Articles 3 and 4 of the Convention on the Prevention and Punishment of the Crime of Genocide state in considerable detail that no one should be subjected to torture or to

²⁶ *The Sunday Times*, June 19, 1977.

cruel, inhuman or degrading treatment or punishment and that persons committing such physical or moral coercion as well as genocide be punished. Such international instruments have even gone to the extent of mentioning the need for sufficient daily food rations and clothing. The international community is even interested in the prevention of loss of weight of the prisoners of war. The reality in occupied Palestine, on the other hand, is diametrically opposed to these idealized objectives.

The instances of violations are too many to be summarized here. This author has seen the rich archives at the Palestine Liberation Organization Research Center and at the Institute of Palestine Studies in Beirut as well as in similar academic centers in several Arab countries, which if printed, would encompass several volumes.²⁷ These archives are full of documents proving worst kind of torture in Israeli jails. Some prisoners have lost speech ability on account of hysterical dumbness, some were chained, some died as a result of torture inflicted and many were assaulted in front of their families. . . The Israeli occupying authorities did not heed the demands of the International Red Cross, nor those of the Israeli League of Human Rights. News on Israeli violations are appearing not only in several Western means of mass media (such as *The Times*, *The Guardian*, *Le Monde*, *The Observer* and *The International Herald Tribune*), but also even in the Israeli Radio Station (for example, the broadcast on February 2, 1971).

It is no wonder, then, that there is a growing collaboration between the Zionist entity and the racist State of South Africa. Evidence submitted by the U.N. Special Committee Against *Apartheid* shows that Israel steps up its activities to bolster the South African régime precisely when the international community is understandably trying to isolate that régime. This phenomenon is natural, however, because the underlying ideological affinity between the two brings them closer to each other. Israel is also a white European settler state. The two bastions of racism have political, economic, military and cultural relations. There is an analogy between the aggression of world Zionism against

27 Small monographs have, nevertheless, been published. See *supra*. fn. 18. Also: Ibrahim al-Abid, ed., *Human Rights in the Occupied Territories: 1971*, Beirut, Palestine Research Center, 1973.

the Arabs and that of racist *apartheid*, applied to the indigenous people of South Africa. David Ben Gurion had even advised the South African Premier in the following words: "I spoke to the Primer Minister. . . I told him (that) the white settlers made a mistake - they should have done what we have done here with 'Avoda Ivrit' (or Hebrew Labour). Then, they would have spared their present troubles. . ."28

The defenders of Zionism and Israel take refuge in arguments that the Palestinians are better off now than they were before or that they enjoy some civil and political rights after all. No such refutation can undermine the fact that the Palestinian Arabs have been forced to become fourth class citizens on their own land. There can be nothing astonishing about the fact that the Palestinian Arabs now own more television sets than before. What matters is their position in the Zionist state *vis-a-vis* the Jewish citizen. It is an undeniable fact that the Palestinian Arabs, men and women, do not enjoy equal dignity, equal rights and equal human status. And special privileges, superior rights and higher status are attributed to the Jews of Israel. The borderline between the privileged and the deprived is determined by *group identity*. The mere right to participate in elections, for instance, cannot overshadow deprivation of other rights. Who can argue that discrimination ought to be *total* to be objectionable?

As well stated in the Declaration of the International Forum on Zionism and Racism (held in Tripoli, Libya in 1976),²⁹ racism diminishes man, and whatever diminishes some, diminishes all. Mankind, therefore, has a stake in the racism practised in some parts of the globe. While racist ethno-centrism is inescapably self-centered, the cause of anti-racism has come to be espoused by the international community as a whole. As historian Toynbee has noted, there has not been any previous age in which the common humanity of all human beings, so widely recognized and acted upon as it is today.³⁰ Hence, the cause of anti-racism is no longer viewed as the cause of the immediate

28 As published in the weekly overseas edition of the *Jerusalem Post*, dated June 23, 1969.

29 *The International Forum on Zionism and Racism*, Tripoli, EAFORD, 1976, p. 11.

30 Arnold Toynbee, *Experiences*, New York, Oxford University Press, 1969, pp. 242-252.

victims of a particular system alone. Moreover, the Palestinians in question are a part of the Arab nation, which the host country Turkey borders in the south. Further, the triumph over a particular racist system is not a triumph for its victims alone but for all mankind. Similarly, the struggle against the remaining outposts of racism must be a world struggle. This statement is all the more true for the peoples of the Middle East, the Eastern Mediterranean and the Balkans, who are geographically part and parcel of the area where flagrant violations of human rights are taking place.

V. IN DEFENCE OF HUMAN RIGHTS

Those segments of the Israeli society which uphold human rights and the large democratic section of world public opinion, in fact the international community in general have been defending the rights of the Palestinianians with growing zeal. There is, of course, opposition within Israel to violations of human rights. For instance, 85 Israeli intellectuals from all walks of life (including lecturers Prof. Helmuth Epstein or Abraham Zlotsover, writers Mordechai Avi-Shaul or Edith Wolf, poets Yona Ben-Yahuda or Aryeh Decker, architects Dov Israeli or Arthur Goldreich, painters Viola Bendish or Moshe Gat and several journalists, lawyers, physicians, technicians, agronomists, labourers and farmers) have published an open letter in the Israeli press on March 3, 1968, demanding that the violation of human rights in Israel and in the occupied territories be stopped. The declaration reads (in part):

“...Confinement orders, limitations of free movement and arrests without trial were recently imposed on Israeli citizens, Jews and Arabs. The imposition of collective punishments, like the curfew and the dynamiting of houses, continues in the towns and villages of the occupied territories at an alarming rate. Families of workers and fellaheen, children, women and old people, remain without shelter and means of existence. The stream of refugees and escapers from the Gaza Strip and from the West Bank of the Jordan continues unabatedly.

"An increasing number of Arabs is driven out of the Western Bank by order of the Israeli military governor. A protest petition published in the Western Bank stated: 'These methods are opposed to international standards and to the basic rights of the citizen to live in his home and on his soil. Enforced exile on political grounds reminds us of the British colonial rule.'

"Where do these methods lead to if not into an abyss of hatred?

"Acts like these will only strengthen the resistance and the underground movement, multiply victims on both sides, and lead to another war, with an unforeseeable number of casualties.

"The domination of another people exposes the subduing people itself to moral degeneration and undermines its democracy. Any people oppressing another one is bound to lose its own freedom and the freedom of its citizens.

"Jewish citizen, remember those courageous gentiles who stood by us in times of distress. Now that disaster has befallen the fraternal Arab people, can you deem fit to remain aloof and to keep silent?"³¹

It should be remembered here that the first opposition to political Zionism was voiced by Jewish spiritual leaders, who believed that the nationalistic and territorial priorities of Zionism were incompatible with the moral precepts of the Jewish faith. Nothing is more dishonest than the slogan, unleashed by Israel, that anti-Zionism is anti-Semitism. This slogan rests on the false assumption that Zionism is the same as Judaism or the Jews. Many Jews, in and outside of Israel, oppose the exclusivist nature of Zionism. The struggle of individuals like Dr. Israel Shahak, Felicia Langer or Lea Tsemel has been exemplary. Dr. Shahak, a founder and a leading figure in the Israeli League for Human and Civil Rights, has been a persistent critic of government policy on human rights and the treatment of the Arabs.³²

31 *Israel and the Geneva Conventions*, Beirut, Institute for Palestine Studies, 1968, pp. 52-53.

32 Adnan Amad, ed., *Israeli League for Human and Civil Rights: the Shahak Papers*, Beirut, Palestine Research Center, 1973.

A bio-chemist by profession teaching at the Hebrew University, he is a fearless and eloquent champion of human rights in the Zionist state. Mrs. Fellicia Langer, born in Poland, is a prominent Israeli barrister. Her husband is a survivor of Buchenwald. Mrs. Langer has devoted her career and considerable talents to the struggle for the rights of the Arabs in Israel. She has recorded some of her experiences in a book entitled *With My Own Eyes*.³³ This recent publication is a case-history of the author's indefatigable fight against illegal arrest, torture, confiscation of property, forced exile and other deprivations of human rights.

Most Jews consider themselves as citizens of their respective countries and not "exiles". The majority has refused to migrate to Israel. Still, the most forceful opposition to Zionism comes from the non-Zionist Jews.

There are, of course, a host of United Nations' decisions condemning the practices of Israel. Apart from many U.N. decisions critical of Israeli aggressions, the General Assembly established on December 19, 1968, a Special Committee to investigate Israeli practices affecting the human rights of the civilian population in the occupied territories. Israel did not permit this committee to visit the occupied territories. The Special Committee, nevertheless, conducted its investigation and reported to the General Assembly.³⁴ It had established that Israeli policies were in violation of human rights. The second report of the Special Committee stated that Israel was carrying out a policy of "progressive and systematic elimination of every vestige of Palestinian presence" in occupied areas.³⁵ Further, the General Assembly adopted on December 20, 1971, a resolution in which it proclaimed its grave concern about violations of human rights.³⁶ Concurrently with the General Assembly, other organizations including the U.N. Commission on Human Rights have also condemned Israel for violations of human rights. For instance, in a resolution adopted on March 22, 1972, the Commission on Hu-

33 London, Ithaca Press, 1975. The book is a rare combination of judicial precision and passion for human rights.

34 U.N. Documents, A/8089 (October 26, 1970). Also: Henry Cattán, *Palestine and International Law: the Legal Aspects of the Arab-Israeli Conflict*, London, Longman, 1973, pp. 142-146.

35 U.N. Documents, A/8389 (October 5, 1971), p. 53.

36 Resolution 2851 (XXVI).

man Rights accused Israel of war crimes, and another resolution adopted on March 14, 1973, asked Israel to stop establishing settlements in occupied territories and cancel measures changing the physical character and the demographic composition of these lands. More importantly, the U.N. General Assembly's Resolution 3379 (XXX), dated November 10, 1975 determined that "Zionism is a form of racism and racial discrimination."

Parallel to the awakening of world conscience regarding the truth about Palestine, the Palestinian people have gained, with each passing year, recognition on many levels. This recognition is further demonstrated by a number of U.N. resolutions, among which the General Assembly Resolution 2535-B, adopted on November 10, 1969, is the most important. Although the Palestinians have found themselves, after expulsion in 1948, living in diverse environments, they have remained as one people. They all belonged to one country, geographically distinct and politically unified. All shared the same fate. Hence, throughout the 1950's, they discussed the organization of the Palestinian people. They favoured establishing an independent organization through which the Palestinian entity could express itself. The first Palestinian congress was held on May 28, 1964, in Jerusalem, where the Palestine Liberation Organization was created. There is wide acceptance at the international level of the P.L.O.'s status as the sole legitimate representative of the Palestinian people. The P.L.O. does not, of course, derive its right to represent the Palestinians from recognition by governments or international bodies, but above all, by the fact that it embodies the will of the said people.

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In conclusion, the evidence cited above should demonstrate that the Zionist state is not merely an "imperfect democracy" and that its violations of human rights are not exceptions, but codified in the laws of the land. The racist Zionist state, guided by the discriminatory Zionist ideology, violates the human rights concept from all conceivable angles.

Hence, this forum should urge all States to further demonstrate their opposition to the racist and aggressive régime on the land of Palestine. It should emphasize the need to educate pub-

lic opinion on the historical truths of this cardinal question. It should suggest revising school books to reflect the right image of other peoples. It should demonstrate awareness of dangers to human rights and world peace emanating from racist doctrines. It may observe the harmful affect of Zionist propaganda on certain sections of world press as well as centers of learning. Finally, it should underline that the antithesis of racism is the recognition that the common humanity of all transcends differences in race, colour, descent or national and ethnic origin. The forum should agree that the answer to the racist exclusivism established in Palestine is the creation of a pluralistic society of Moslems, Christians and Jews enjoying equality and freedom. The forum should agree that there cannot be a compromise between the rights of the Palestinian people and the claims of Israel. A compromise departs from the actual positions of the contending parties. A question of human rights or a just peace cannot be based on the current reality. An international conference on human rights, such as the one now held in Istanbul, should have the boldness to challenge the injustice of the existing reality and to show a vision to inspire men to brotherhood on the now-bloodied fields of the Middle East. Such a vision rejects surrender by one party as well as compromise between the actual positions of the contending sides. Such a vision has to eliminate an exclusivistic Jewish State. Only in a new pluralistic, secular and democratic State of Palestine can the presently incompatible positions of all parties be transcended and a just society established.