

The Israeli Occupation

by Felicia Langer

After the Gauls conquered Rome in the fourth century B.C., a dispute arose between the victors and the vanquished as to the weight of gold which Rome had to put on the scale for its redemption. The leader of the Gauls, Brennus, put his sword on the scales and exclaimed, "Vae Victis" ("Woe to the Vanquished").

This has been the motto of Israeli power in the occupied territories from the moment the first Israeli soldier put his foot there in June 1967. Little Israel became an empire. The former Prime Minister, Levi Eshkol, called the vast occupied territories a wonderful dowry, but he was aware that with this dowry came the bride, the inhabitants of the occupied territories. The Israeli establishment was faced with a problem of how to deal with this bride, who was telling it by all means of expression, "You are unwanted."

The oppression started. The conqueror made sure to wrap it in a legal cloak, while his laws were regarded as supreme. The machinery of arrests and military trials commenced an era of institutionalized suppression of the will of the inhabitants, in order to persuade them to comply with the occupation.

Colonialist Laws

The laws on which the occupiers based their actions were the Emergency Defense Regulations (1945), inherited from the British Mandate. Those laws were bitterly attacked by Jewish lawyers during the mandate. Mr. Yakov Shimshon Shapiro, who became Israeli Attorney General and Minister of Justice, had the following remarks to make in 1946 about the same laws which the Israeli Government applies nowadays in the occupied Arab territories and inside Israel toward the Israeli Arabs:

Felicia Langer, an attorney and member of the Central Committee of the Communist Party of Israel, is internationally known for her defense of Palestinian political prisoners and other victims of Israeli repression. She delivered this keynote speech at a recent Palestine Human Rights Campaign conference in Washington, D.C. Sami Esmail, an Arab American, was arrested in Israel last year and accused of being a member of a Palestinian organization. He was recently convicted and sentenced to 15 months in prison, 6 of which he has already served.

The system established in Palestine since the issue of the Defense Laws is unparalleled in any civilized country; there were no such laws even in Nazi Germany. It is our duty to tell the whole world that the Defense laws passed by the British mandatory government of Palestine destroy the very foundation of justice in this land.

Matters not covered by these regulations were legally defined as offenses by hundreds of orders and regulations enacted by military governors and commanders. In the Order for Security Regulations, the penal code for the occupied territories, every soldier has the right to arrest an inhabitant, if there is suspicion that he committed an offense. He does not need a warrant for 96 hours. A police officer has the right to extend this arrest for seven days, and then for another seven days, while a military judge has the right to extend the detention up to six months.

What are the offenses? Participating in a demonstration, contacting the enemy (generally a relative or a close friend whom the authorities claim is a member of one of the Palestinian organizations which are illegal in the occupied territories and in Israel. One of my clients, an old man in the Golan Heights, was imprisoned for contacting his son who was, in the eyes of the occupation, an enemy), distributing leaflets, writing slogans, raising a Palestinian flag, granting asylum to a son, daughter, brother and not reporting to the police that he or she may be involved in illegal activities. Training with arms in a crime. Although Israelis are highly trained militarily, such training is forbidden for Palestinians. Armed resistance is a criminal offense, although according to UN resolutions, fighters for freedom and against foreign occupation or oppression have to be treated as prisoners of war.

The most common offense is membership in an illegal organization. According to the Emergency Regulations, the Irgun Zvai Leumi, Prime Minister Begin's organization, was illegal until recently. The maximum penalty for membership, acting as a member, or rendering service to the organization,

possessing a newspaper, attending a meeting, etc., is 10 years imprisonment.

In 1973, the government enacted the "Law of Offenses Committed Abroad." Paragraph 2(a) reads:

The courts in Israel are competent to try, in accordance with Israeli law, anyone who committed abroad an offense, as if it had been committed in Israel, and the act harmed or was intended to harm the State of Israel, its security, its property or its transport links with other States.

Dozens of people have been tried under this law and now a new victim of it is Sami Esmail. This law violates the basic rights granted to every U.S. citizen by the U.S. Constitution. It is contrary to the law of nations, claiming a universal jurisdiction, a right to apply to the entire world the oppressive Israeli laws such as the Emergency Regulations.

Thousands convicted by these laws are scattered in Israeli prisons. Together with them are those administratively detained, some of them for years, without any charge, extended from time to time for unlimited periods—a life imprisonment.

Political Prisoners

These thousands are prisoners of conscience, imprisoned for their beliefs and struggle for independence. They are the best proof of their deep-rooted culture and their Palestinian identity.

But despite these obvious facts, the occupier, who deprived them of their homes and families and who has denied them their liberty, wants also to deprive them of their identity, regarding them as the worst criminals and treating them accordingly.

The prison is a mirror of this chauvinistic society. Hatred and revenge dominate freely, are used against defenseless prisoners.

The prisons are terribly overcrowded. There are new prisoners every day: hundreds of demonstrators unable to pay the heavy fines imposed on them; brothers and sisters of the victims of the Israeli Lebanese aggression, showing solidarity with those slain by the cluster bombs, are beaten and imprisoned. The occupier does not want to recognize that this is one people, one body in the occupied territories and in Lebanon, that he cannot strike one part of it without a response from another part. There is no such force under the sun which is able to suppress the natural feeling of a mother for her son

and the love between brothers, no matter how far and for how long they have been dispersed and displaced.

The fresh air, the sunshine and water are very precious in prison: 23 hours a day in overcrowded cells, sleeping on the floor, sometimes sharing a mattress with another prisoner, as Sami Esmail does. A prisoner has just enough space to stretch his legs. This is his living space where he eats, reads and prays. When he dares to complain, as Sami did, there is solitary confinement. So, even the demand for the most elementary right to humane conditions in prison is punishable. A complaint is an offense.

The majority of prisoners are ill because of inadequate medical treatment. Sami Esmail was treated only as a result of my pressure and the help of the prosecutor during one session of the trial.

The prisoners do not comply with this bitter fate, which they call a death sentence by installments. They are struggling for humane conditions with the only weapons they have—their bodies. There was a hunger strike at Ashkalon prison for months, but the stubbornness of the establishment was not shaken. The four strike leaders, including Mohammed Mahdi Bassiso, were banished to Shata prison, placed in an overcrowded cell with poor sanitary conditions, and isolated from all their friends. The heat in that area reaches 104 degrees. The four have to be broken as an intimidating example for whoever will try to achieve more humane conditions. But they are determined to preserve their human dignity and their right to struggle for better prison conditions.

The population in the prison, the political prisoners, have not given up their ideas and motivations. The authorities are mistaken in thinking that if they have the bodies of the prisoners, they have them entirely. Their ideas and beliefs are stronger than the bars. The prisoners know that they are not alone, that they are the sons and daughters of their people. The Ashkalon hunger strike sparked mass demonstrations in the West Bank and Gaza and a solidarity movement among the progressive and peace-loving Israeli population. The prisons and their inhabitants are in ferment and a signal that no oppression can break those who are determined to sacrifice their freedom and their lives for their homeland.

Collective Punishment

Personal responsibility is regarded as a corner-

stone of a democratic legal system. Every offense involves the simultaneous existence of two factors—a guilty mind (*mens res*) and a criminal act (*actus res*). Without proof of these two factors, no offense can be proven. This elementary principle is ignored by oppressors of all kinds. Maybe it is unsettling to remind them, but the Nazi leaders were tried in Nuremberg for their policy of collective punishment. They ignored the commandment of the Hague Convention of 1907, paragraph 50: "No collective punishment, monetary or otherwise, should be imposed on the population because of acts by individuals, because the population cannot be held responsible for them collectively."

The 11th Geneva Convention of August 1948 stressed once again this sacred maxim, strengthened by the horrors of World War II. In 1961, before Israel became an empire, the Israeli legislators thought fit to outline the authority of the occupying power in a publication entitled "Army Authority in Occupied Territory," published by the Israeli Defense Forces (IDF) headquarters:

The Hague Convention of 1907 is in practice observed by the whole civilized world and as the various courts for war criminals stated after World War II, these regulations must be considered bound to the rules stated in it to the same extent as they are bound to observe the rule of international law.

Nevertheless, the first legal act of the Israel Army in the occupied territories dealt with the imposition of collective punishment. Three peaceful villages in the Latroun area—Amwas, Beit Noubé and Yalu—were erased completely and the inhabitants expelled without even their personal belongings. There is a recreation center in the area now.

During those long years, collective punishment became a trademark of the Israeli occupation. A house was demolished upon order of the Minister of Defense if one of its inhabitants was accused or even suspected of an illegal act against the authorities. Almost 20,000 such houses were destroyed. Thousands of women and children were made homeless. The maxim of the Geneva Convention prohibiting reprisals against protected persons and their property was and is ignored, arrogantly, with the silent compliance of the U.S.

The other instances of collective punishment are those imposed on whole cities. In 1969, an order

was issued by the Ramallah Military Governor forbidding the purchase of sheep meat. In the middle of the grape season, in August 1970, the harvesting and sale of grapes was forbidden, unless the notables of the area publicly denounced the actions of the Palestinian organizations and the PLO. During the demonstrations in 1976-77, many demonstrators were shot, mostly boys and girls. In 1976, the authorities imposed an eleven-day curfew in Ramallah; the inhabitants were forbidden to go to the East Bank of the Jordan and to receive guests from there. In April 1978 in Nablus a curfew was imposed for seven days because, according to *Ma'ariv*, the inhabitants did not collaborate with the police. They were prevented from selling their goods, as well. Bir Zeit College has been stormed by the police after almost every demonstration in this town, and students have been beaten and arrested.

Even such an innocent expression of protest as closing shops, which is legal in Israel, is considered a crime by the occupiers. Those daring to do so are endangering their livelihood. Many shops were closed for months as punishment; many doors were broken, thus not allowing even this peaceful way of protest against the wrongs of the occupation.

The children are the natural enemies of the occupiers. I have now many children clients, aged 13-14, who have been arrested for vandalism. They were harshly beaten in the Ramallah investigation center. How the bankruptcy of the occupiers is exposed when children, who were babies in 1967, are fighting the occupation today!

Time magazine (April 3), reported the following:

There were reports that soldiers harassed Palestinians in at least five villages near Ramallah, a large Arab town (pop. 20,000) north of Jerusalem. The troops would move into a village after dark and round up all males above the age of 13, then force them to stand in the street or do exercises for hours at a time. On at least one occasion, a group of 100 men were taken to the local military headquarters to pick weeds for most of the night. "If we didn't move fast enough," reported a 17-year-old student from Bir Zeit College, "they beat us with their fists and sticks. One soldier told me, 'Your hair is too long.' I said, 'Why do you say that? Don't Jews have long hair?' He said, 'We do, but you shouldn't because you are not human beings.'"

The argument ended, said the student, when two

soldiers clipped off his hair with a pair of lawn shears. Several other students were given the same treatment.

We have known of such reports, supported by the testimony of eye witnesses, for years, but they were silenced and ignored because they were exposing the myth of a "benign" occupation.

There are other ways of punishing collectively the students, by closing schools, by imposing heavy fines and imprisonment on those who have exams, by trials which resemble courts-martial, sometimes without the slightest possibility for defense. Sometimes the fathers have to pay or to go to prison for their children, a specially vulnerable regulation for refugees or poor workers with large families.

Those are only a few examples of collective punishment imposed by the Israeli occupiers. If anyone still doubts that it is a system, our ex-chief of staff, General Mordechai Gur, in an interview with *Al-Hamishmar*, gave extremely valuable, first-hand testimony about his orders to the IDF to attack peaceful Arab populations over the years.

A Criminal Policy

He was asked about Israel's invasion of South Lebanon. The correspondent described his recent visit in that area and his astonishment at the behavior of the Israeli soldiers, pillaging, demolishing homes without any sign of "terrorists" inside, beating women and children, etc. The interviewer asked if the IDF changed its "moral policy." Mr. Gur must be praised for his frank answer: "When young people, who have been raised on the values of 'do not kill' are told to go to war and kill the enemy, everything is permitted."

When the interviewer said that first the enemy must be identified, Mr. Gur replied: "For the soldier, there is no such problem. The question for the soldier is to go or not to go to war."

Question: "Why must it be so?"

Answer: "This problem is a secondary one. First, the duty is to win the war. The officers must direct their attention to the success of the war campaign. You don't stop the attack in order to care for the wounded. Similarly, you don't stop the attack in order to supervise the behavior of the soldiers . . ."

Q: "How come it took four days—four critical days—for the military police to enter

South Lebanon? Shouldn't they have been there earlier in order to overlook the soldiers' behavior?"

A: "The four days were not critical ones, for we didn't know if we were staying there or not."

Q: "When you consider the looting and the plundering, the four days were critical."

A: "This I knew."

Q: "Assuming this last war in Lebanon is not the last war for Israel, how are we to prepare the Israeli youth when they meet civilians again in a state of war, such as in southern Lebanon?"

A: "Those civilians you are talking about in southern Lebanon gave shelter to the terrorists for ten years. They are also known to have provided active support for the terrorists and this is an historical fact. It is not going to help any to be nice about this issue . . . I was commander of the Northern front bombarded them for two and a half years. After the massacre near Avivim, I hit and bombarded four villages without any orders from above. You know how many villages and towns we hit in order to protect Beit Shan?"

Q: "Without any discrimination?"

A: "What discrimination? What did the population of Irbid do when I bombarded them? Oh, that was near Beit Shan, Maos Haim and Beit Alfa; then that looked natural to you . . ."

Q: "In our IDF military communiques you always spoke of retaliations and of hitting the sources of the firing and the terrorist bases. Was that so?"

A: "Well, really . . . you don't know that all of the Jordan Valley was vacated during the war of attrition."

Q: "When you talk of bombardment, we did it without discrimination?"

A: "I have no selective memory. I have been in the army for thirty years and I don't know what we did during these years. What did we do along the Suez canal? We caused a million and a half to become refugees. Honestly, what is it with you, you knew this. You tend to see things according to your immediate needs. We demolished Ismailia, Suez City, Port Said and Port Fuad. One and a half million refugees we made. Suddenly, what happened? We are living near the Lebanese border in Kiryat Shmoneh and Menorah and for ten years we can't move at night. What happened that this population of southern Lebanon suddenly became sacred? This

population knows what the terrorists were planning and doing, they helped them before and after the invasions of the south and they admired them as if these terrorists were heroes.”

Q: “What you are claiming then is that this population of the south is punishable?”

A: ‘Absolutely. Not for a minute did I think otherwise’

Q: “In your instructions to the soldiers, you did not ask them to avoid civilians and strike at only those we want?”

A: “I am not a hypocrite. I don’t want to lie to myself. I gave these above orders to all of the invading army. When I did so I knew what I was doing. In a population area the same instructions are valid, the doctrine of war is what we follow, I personally am against plundering and looting. The decision to enter Lebanon with such force was a political and strategic one. When I gave the order to bombard the targets by air, land and sea, I knew my goal. Do you think I did not know what I was doing when I ordered the bombardment of Maroon al-Ras as soon and as fast as possible, and before our troops get there and have to fight face to face with the enemy? I gave the order and it is not the first time I do such things. For thirty years we have been fighting against the population that lives in these towns and villages.”

In the vocabulary of the law of nations, these are war crimes. Those giving such orders are against the Israeli people as well, because they corrupt its soul, soil its traditions, turn generations of young people into killers and killed, create an abyss of hatred between our people and the oppressed and tormented. Those are the enemies of our people. They ignore the prospects of peace, they cut the hands extended to them by the Arab countries and by the Palestinians. They ignore the voices coming from the PLO about peaceful coexistence between a Palestinian state and Israel, as was stated recently by Yassir Arafat in his interview with *The New York Times*, (May 4).

Only One Solution

The solution is withdrawal to the 1967 borders, creation of a Palestinian state alongside Israel, solving the refugee problem by recognizing their right to return or to receive indemnities, and the right of all nations and countries in the Middle East

to live in peace and security, guaranteed by the USSR and the U.S. and other powers. The other alternative, a permanent state of war, is a catastrophe for the Middle East and the whole world.

We are a nation which has suffered tremendously for ages, a nation of refugees and victims of fascism, indoctrinated for years by Zionist theory and practice to ignore and to despise the rights of the Arabs, especially those of the Palestinians, and to speak to them in the language of rifles, bombs and prison cells.

In a letter to Angela Davis, while she was in prison, James Baldwin wrote:

One might have hoped that, by this hour, the very sight of chains on Black flesh, or the very sight of chains, would be so intolerable a sight for the American people, and so unbearable a memory, that they would themselves spontaneously rise up and strike off the manacles. But no, they appear to glory in their chains; now, more than ever, they appear to measure their safety in chains and corpses.

The rulers of Israel are still measuring their safety by chains and corpses. But things are changing. Thousands of Israelis are coming to the conclusion that only a solution as I have outlined above is able to break once and forever the vicious circle of blood and tears. The thousands demanding PEACE NOW do not want any more chains and corpses, which the Begin government is offering us every day. They are struggling together with the progressive forces in Israel, against the disastrous policy of our government, isolated and ostracized by almost all the world, but still very dangerous in its blind stubbornness.

The Palestinians have rights as human beings, as a people. They will not give them up. They have paid for them with a sea of blood and are ready to sacrifice more and more until they are recognized.

In our era, the policy of expansion at the expense of other peoples is condemned to death. The day it dies will be one of the happiest for all the peoples in the Middle East, who are so thirsty for peace.

Blessed are those who by their struggle are bringing near this promised day. ■