

The Experience of the Past in the Mirror of Today: Israel and the Human Rights of the Palestinians¹

By Felicia Langer²

Dear members of Adalah, members of Al Haq, dear friends. Many thanks for giving me the opportunity to appear before you and for paying tribute to my activities.

I am starting my lecture in the year 1950, when I arrived in Israel with my husband in the framework of family reunification. I soon realized that family reunification was destined for Jews only. I came to an unknown country, at almost 20 years of age, married to a survivor of the Holocaust. My husband survived five Nazi concentration camps, the only member of his family to do so. My mother and I were the only survivors of our family, as refugees in the Soviet Union.

From the beginning, I was confronted with the discrimination against the Palestinians living in Israel under military rule. I have seen the Palestinian villages destroyed by Israel in 1948 and afterwards. I have heard about the bitter fate of Palestinian refugees, expelled in 1948 and afterwards, and those who fled as a result of the massacres committed against the Palestinian population. Back then, I already understood the depth of the Palestinian tragedy, and Israel's responsibility for it. This understanding has defined my way of life to this very day.

Already back then, I came to the conclusion that a just peace between Israel and the Palestinians would only be possible after Israel recognizes its responsibility for the Palestinian tragedy, with all the implications that entails.

This year, the world commemorates the 50th anniversary of the death of Albert Einstein; a man who was not only a genius-scientist, but also a distinguished man of peace. In 1954, he said, "The Jewish people, which suffered so hard as a result of prejudice and oppression ought to fully understand the necessity that the Arab minority in Israel should enjoy freedom, democracy and equal rights." (Albert Einstein, *Über den Frieden*, Melzer Verlag)

For the Palestinians in Israel, the years since the proclamation of the Israeli State have been years of discrimination and dispossession; years of the "Judaization of the Galilee." The democracy they enjoy is "half a democracy," a democracy for Jews only. The culmination of all of this was the willful killing of 13 demonstrating Palestinians, citizens of Israel, in October 2000.

"Every Israeli generation defines anew the borders of the state," said the Zionist fathers of the state, and therefore territorial expansion was their main objective. The maxims of international law forbidding preventive wars or wars at all (see UN Charter) did not bother them. They enjoyed unconditional US support and the US veto on the Security Council, which blocked all critical resolutions.

Israeli governments did not hesitate to misuse the millions of Jewish Holocaust victims in a cynical manner, or to use them in an instrumental way in order to suppress any condemnation or even criticism of the illegal Israeli practices in the Occupied Territories. All of this was done in defiance of the legacy of those victims, victims of fascism.

In 1967, Israel occupied the territories of the West Bank, Gaza, the Syrian Golan Heights and Sinai, the latter of which I do not refer. Immediately afterwards, Israel demonstrated its contempt

¹ Keynote address delivered at the "The Experience of Legal Representation of Palestinian Political Prisoners" conference held in Nazareth on 13 May 2005. The conference was hosted by Adalah: The Legal Center for Arab Minority Rights in Israel in cooperation with the Municipality of Nazareth.

² Attorney, recipient of the "Alternative Nobel Prize," 1990.

for international law regarding the inhabitants of the Occupied Territories, starting with the illegal annexation of East Jerusalem, and later of the Golan Heights. Israel also declared that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) does not apply to the inhabitants of the Occupied Territories, contradicting UN resolutions and the learned opinions of the vast majority of renowned experts on international law throughout the world. The military judicial system, which Israel set up and applied in the Occupied Territories, was an instrument for the subjugation and oppression of the Palestinians. As the famous French politician, Clemenceau, once said, military music has as much to do with music, as military justice has to do with justice.

The prisons became "popular" under the occupation. Over 600,000 Palestinians have passed through the prisons of the occupation: a tremendous number. They were and are the beloved representatives of Palestinian society. Currently, there are over 7,000 Palestinian prisoners in Israeli prisons, ten years after the start of the so-called "peace process."

On seeing the Iraqis tortured in the prison of Abu Ghraib, I recalled the beginning of my activities in the Occupied Territories in 1967/68. I recalled the blood-stained shirt of the imprisoned son of the Imam Al Buchari from Ramallah and the wounds of torture inflicted upon Suliman Al Najab, Halil Hajazi and others, and the faces of the detainees from the Golan Heights. An American lawyer representing one of the torturers from Abu Ghraib said that the accused had used Israeli methods which had been tested in the Occupied Territories. Yes, he is right and I can testify to that. The difference is that "our" torturers did not film their deeds and victims. All of these years, I have tried to do this without a camera, post factum, but with words, in order to turn these events into something unforgettable.

On 2 July 1974, following a special order from the High Court of Justice, I visited my clients in Jalame, who had been kept incommunicado. I would like to share my report of this meeting with you:

The man who will supervise the visit is a Shin Bet [General Security Services] official called Abu Nabil, a well-mannered man; they have never complained of him beating them. "His role is to be the 'good investigator,'" prisoners told me more than once. "He's the one who comes to you after the others have already beaten you sufficiently. He 'saves' you from them, provided, of course, that you talk..."

We are in a large room with only a table in it. Abu Nabil sits down across from me. First, Suliman is brought to me. I am stunned by the look on his face, his dull eyes and the unnatural way his head bends over. Saddest of all was his smile, which did not brighten his eyes at all. I asked him to tell me everything and he said to me, "I will tell you what Abu al-Abed forbade me to tell you then, in our meeting in Ramallah." I recorded his story as Abu Nabil listened to every word:

"On 4 June I was taken to a military jail at Sarfand, apparently. The next day I was brought to the office, tied, and they began to hit me. Beatings of this sort continued for three days. Afterwards, I was taken to a solitary cell about 50cm by 50cm in area and 1.60m in height. The floor was strewn with sharp stones. Every movement I made hurt me. I was as naked as the day I was born. I was taken from there by soldiers, who put a sack over my head, to the courtyard and forced to crawl on all fours. When I crawled slowly they beat me. When all the skin had been scraped off my knees from the rubbing, I refused to continue. The soldiers beat me again. I hid my head on the ground. I was taken back to the cell. Then I was forced to carry a chair in my arms. I was in the cell for about forty-eight hours and was ordered to carry the chair every so often. Then I was taken back to Ramallah prison, and was there until 14 June 1974, the day you saw me. The marks from the wounds on my legs were still fresh, and therefore Abu al-Abed didn't allow me to show them to you."

At this point Suliman rolled his trousers up over his knee. I saw clearly that the layer of skin on his knees was new. He pointed out that it was in exactly those places that the skin rubbed off as a result of the crawling. Suliman continued, "During your visit to me I expressed the fear that I would return to the torture, and that is what happened. The same day, at 5 o'clock in the afternoon, I was taken from Ramallah to the military prison, and there again put in a small cell, which I have already described. I remained there until Sunday and on the same day I was brought to the prison office and beaten all over, including my sexual organs. My interrogators sprayed my testicles with a strong chemical which began to hurt very much, as if they were burning. They also sprayed the nipples on my chest."

Suliman showed me his chest and I saw for myself that the top layer of skin near the nipples had peeled off, and that the skin was very red, and new, as if grown after burns.

Suliman continued, "Then I was again taken to the cell until 21 June, and again sprayed with the same chemical. I was also hung by my arms on the grill of the window. The torture went on until 28 June, the day I was taken here, where you now see me. I am now in a cell whose only window is closed. When I said I had no air to breathe, they said I was going to die anyway."

I wrote, my hands trembling, and when Suliman showed me his chest, with the raw nipples, Abu Nabil saw it too. I said to him, "Remember well what you have heard and seen now – the day will come when you will be called to testify to it."

The second man to enter the room was Halil Hajazi. I saw him for the first time. He walked with difficulty, with his legs spread apart. (Afterwards he told me that the burning in his testicles caused him terrible pain and made walking difficult). When he saw my reaction to his walking he tried to smile at me, and I became aware of the unusual sense of humour of this tortured man. I asked him to tell me everything and he began, "I was beaten and tortured after my arrest, and I reported this to my lawyers Hanna Nakara and Ali Rafa, who visited me on 4 June 1974 or so in Nablus prison. After their visit I was taken to the military prison and beaten on my head till it bled. They brought me a medic to treat it. My hands were tied behind me. My legs were beaten with sticks."

In the presence of Abu Nabil, Halil showed me the soles of his feet. I saw skin peeling off in the middle and black marks near the toes. In addition, I saw wounds forming scabs near both ankles. Halil explained that he had been handcuffed, and that the investigators had pressed on them until they hurt. He continued, "For ten days I couldn't walk at all. As a result of the pain in my jaws from the investigators' blows, I couldn't eat either. The man facing us (Abu Nabil) acted humanely towards me. He even asked my torturers to stop. The investigators also beat my testicles and sprayed me with chemicals. The Shin Bet people would bring soldiers to see how I was tortured. My testicles swelled after the spraying and I needed medical attention, and asked for it."

In this instance as well I appealed to Abu Nabil, so that he would see Halil's legs. Never had I felt such anger. But Halil's spirit was high despite the wounds and pain. He told me and Abu Nabil, "When I talked about peace and the possibilities of co-existence, they beat me more. Did that annoy them so much?"

Felicia Langer, *These are my Brothers*, pp.31-33.

Yes, dear Halil, your peacefulness annoyed them; it shows how false and deceptive their talks about peace were, and still are.

At the High Court of Justice, in my application against the torturers, Abu Nabil totally denied that he had seen anything at all during my morning visit in Jalame, and Justice Haim Cohen told me that I was unable to prove the applicant's allegations.

During those years, there were also victims of torture who paid with their lives. Simply put, they were tortured to death. I have described this in many hundreds of words in order to demonstrate it to the world. Words as gravestones.

There were also those beaten to death by soldiers, as was Ahmad Dahdoul of Salfit in 1976, and Khader Tharasy in Gaza in 1988.

In 1987, the first Intifada of the Palestinians started – an unarmed uprising. I was writing about it in my autobiography, "Al Radab wa Al Amal," as the files of the dead Palestinians, the victims of Israeli soldiers, began to fill my office. I had turned into a lawyer for the dead. People were shot in the streets, during funerals of their loved ones; there was "the black day of Nablus," "the black day of Rafah." One can only ask how many more black days, months and years the Palestinians still have to endure.

I can tell many stories of the corrupted souls of the Israeli occupiers during those years. The moral erosion of the majority of Israelis, which we are witnessing today, has a long history. Please share with me another picture:

20 October 1982

"You can never trust a Gentile, even if they've been forty years in the grave." "All Gentiles are whores," says someone else, joining in the appraisal." "She may not be a Gentile but I swear she is even worse than these filth. She should be strangled, or someone should blow her up. Amen!"

From the corner of my eye I can see them. Very young regular soldiers and border guards. Some of them have been assigned to guard the Arab detainees in a makeshift prison which is under the governor's authority. They escort the men from the prison to work.

I greet the detainees and they return the greeting. Our glances meet and the wrath of the guards is awakened. In a short while the detainees will be escorted back to their cells, far from my eyes, to await their fate.

After every such incident I raise a storm, submit complaints, attempt to awaken the conscience of those who have not yet lost their humanity. Sometimes I succeed and conditions temporarily improve for the detainees. But the whole process is repeated endlessly. On this occasion the man with a conscience turns out to be a middle-aged reserve soldier. "When I am in charge of the prison, like now, you have nothing to worry about. No one would dare to touch them. When I am gone God knows what will happen. They have warned me that I'll be killed for protecting the Arabs."

The young soldiers approach us. The one who made the firm statement that forty years in the grave would not make a Gentile trustworthy, now speaks again. "There's no need to give them a trial. It's a waste of time. They should be killed, all of them, one by one, young and old. I would shoot them myself!" To illustrate this he presses his fingertips to his forehead. There is something menacing in his eyes, in his spitting hatred, and in the fatuous smile which covers his immature face.

Nobody protests and another member of the gang provides an explanation. "He is right. They throw stones. They even fight us, the whores. I say let's just rub them out. These are terrorists you're defending."

"This is their homeland," I try to answer, but this phrase, which is intended only as the beginning of my explanation, is drowned under a torrent of ridicule and laughter by a final, decisive, in a way conclusive, statement from another youth. "They should be liquidated and that's that..."

"You should have volunteered for Sabra and Shatila," I blurt out and immediately panic at what I have said. But there is no need to worry. My angry comment is considered mild. "Never mind, we'll get other opportunities, God willing."

I estimate they were about three years old when the occupation began. They have grown up in slums and neglect and have been brought from the stifling conditions that exist in Israel proper, to the wide expanses over here. Instead of bread and circuses they are given guns and batons, and the opportunity to beat up Arabs.

The reserve soldier hints that I should leave and whispers that they are capable of doing anything. He takes me aside and explains that these youths come from the fringes of society. He knows them well. They have been called into the army to divert them from crime and to provide them with a new opportunity.

"Quite an opportunity, don't you think?" I reply. "They are committing far more serious offences here than they ever did in Israel. And their souls will be incurably corrupted."

Felicia Langer, *An Age of Stone*, pp.41-43.

The occupation authorities did not have mercy for the Palestinian children. Hundreds of them became victims of the first, unarmed, Intifada. There are many more children who are victims of Al Aqsa Intifada, and the number of injured children is frightening. How were Palestinian children treated back in 1982? I shall share with you the following description:

They are nameless victims, unable to take comfort in a single line in the press; if they appear at all in the papers it will be somewhere on the fringes. They are described as 'breaching the peace,' 'disorderly' or, at best, simply 'locals.'

An army of Palestinian children with crushed limbs lies in the Rafidia hospital in Nablus. Amjad al-Hanaby, Samer al-Dila'a, Amer Tukan, Kifah Musbah, Sa'ad Abu-Khajla, Majeed Nur. The teacher, Abed al-Aziz H'naisha, is a victim not of firearms, but of torture 'by hand,' and a girl, Dalia Tukan.

Words come out of my mouth as if they are not mine. Spent cartridges are scattered here and there, property of the Israeli army and the various groups of settlers. The wounded are collecting them like souvenirs. Eyes that have seen very little of the world and childish lips with forced smiles that are meant to disguise the pain.

No, this is no place for words, not even words of truth about war criminals who will one day pay the price, who are committing crimes against my own people too, who have lost their semblance of humanity. I pat heads without a word and feel the pain of Sa'ad and Samer, and the trembling body of Amjad, whom they continued to torture even after he was shot. My own son Michael is lying here and his name is Amjad, Samer, Sa'ad, Kifah and Majeed.

A thin and startlingly pretty girl is lying with a torn stomach and an arm wounded by a soldier's bullet. Her name is Dalia Tukan. Someone is combing her long hair, which falls outspread on the white pillow. Her black eyes are misted. Her small feet stick out from the edge of the blanket. She is thirteen years old and looks tiny in the oversized bed. Her life is a testimony to the bravery of the Israeli army, the ones they call the IDF, the Israel Defense Forces, who wage war on these children.

We stand at the foot of her bed with Bassam³ near by. He was himself once brought here with blood pouring from his wounds. I saw him that same day, his legs amputated but still a giant. He reaches out to Dalia, caresses her affectionately and says to her: "This is

³ Bassam Shaka, former Mayor of Nablus.

Felicia." A trace of a smile passes over the pale face. We are both weeping, and my good friend Fathi weeps too.

They bear their suffering bravely, with a tinge of pride. Bassam is impressed by them so I remind him how, just two hours after he had been wounded, he wouldn't let me forget the detainees I was supposed to visit that day. A second generation of heroes is sprouting from this land which is soaked with the blood of her children. And in the city streets there are soldiers patrolling, ready to shoot and kill instantly. The second generation of oppressors, the by-product of the occupation.

To gather every glimmer of light that could brighten this dark night I think of Gaddy and the others.⁴ And I shudder at the fact that they are still so few, powerless to resist this wave of cruelty which threatens to engulf us. But I am convinced that, along with our second generation of oppressors, eventually a second generation of our own people will rebel against these crimes.

Felicia Langer, *An Age of Stone*, pp. 32-33.

No, it is a pity, but our own people, in its majority, did not rebel against these crimes, as I had hoped in 1982.

Still, there is a ray of light in the darkness now, more than there was back then. There are Israeli peace and human rights organizations, there are lawyers and physicians, there are more and more conscientious objectors, women from Machsom ["Checkpoint"] Watch, and others. They are our hope that peace with justice will come into being. All of them are living examples for the international solidarity movement with the Palestinians, and a source of encouragement for them.

Since the beginning of this colonizing occupation, the Palestinians have been struggling against the expropriation of their lands before all possible judicial fora. My first experience of this was with Ahmad and Irtas in 1968; he fought with my modest help against the uprooting of his vineyard in Irtas, for the colony (or so-called "settlement") of "Gush Etzion." The one leading the expropriation was an Israeli clerk, who had gained his experience in expropriating land from the Fallaheen in the Galilee in Israel. Such is the pattern of dispossession of the Palestinians. It was frightening to see his enthusiasm.

Please, share with me a small picture of 1980 dealing with lands, from my visit to Washington D.C. with the late Fahed Qawasmeh, former Mayor of Hebron, who was deported by Israel from his homeland and later murdered in Jordan:

Christopher Columbus once wrote to the King of Spain that there wasn't a better nation anywhere than the one he had met in the New World, and he went on to exaggerate its noble ethics.

The settlers who followed called them Red Indians and tried to take away the lands which they had populated for generations. After they had seized wide stretches of territory they set out reservations with fixed boundaries, where Red Indians were free to live.

But the settlers' appetite for land grew continuously, and they violated the agreements and crossed the boundaries that they had themselves laid down. And from then onwards, they stopped at nothing, not even murder.

To give their greed a noble and glorious façade, the politicians in Washington invented a phrase: "the manifestation of Fate" ["Manifest Destiny"], meaning that they, the settlers, were the master race in charge of the Red Indians and of the land, its surface and its hidden treasures. Fate itself had destined them to rule America.

⁴ Gaddy and the others – a reference to Israeli conscientious objectors.

Those same Red Indians whom Columbus had regarded as pleasant and gentle people, were depicted over the years as savages, and from the notable aphorism "the only good Red Indian is a dead one," the catchphrase of all the world's racists evolved.

They are seated around a table in a spacious room and are bent over a map that bears the title: "Existing and proposed settlements in Judea and Samaria."

Everything around them suggests wealth and comfort: the expensive and fashionable furniture, the spectacular, artistically painted canvases that hang on the walls. The editorial board of the New World's greatest newspaper is seated here, in a luxurious Washington building of concrete and glass, bringing home the meaning of the idiom coined by capitalism: "Money talks."

The editor shows an interest in our region and especially in the settlements. He is quick to add, as though apologizing, that his government opposes them. But his Palestinian visitor is equally quick with a reply. "If this is so, why do you finance them, even at the expense of the poor in your own city?" An embarrassing comment to make in a capital whose destitutes have been seen by television viewers throughout the world.

He now describes to the editor how the lands of his people have been plundered for years, continuously and insatiably, and the map and the figures in his hands can prove it. He tells him about the magnitude of the greed that various groups of settlers have shown and how they have dressed this greed in the mantle of Divine Command.

The editor listens and takes notes. An informative session comes to an end and he lays down his notebook on the table. Can we hope that what it contains might one day come to light?

The Palestinian folds up the map and addresses the editor. "They want to expel us from our lands. We shall not allow them to do that. The whole world will prevent it. The age of exterminating Red Indians has passed and will never return."

Felicia Langer, *An Age of Stone*, pp.21-22.

No, they are not able to expel the Palestinians from their land, but they try to do it. All the governments, including that of Rabin-Peres, intensively built and expanded the colonies. The biggest constructor was Ehud Barak, the so-called "peace maker," who was in fact a "peace deceiver."

Now, in addition, they are constructing the Apartheid Wall deep within the Palestinian Territories, in contravention of international law, the Advisory Opinion of the International Court of Justice in the Hague, in contravention of the General Assembly's resolution [ES-10/14 of 8 December 2003], but with the blessing of the USA. They are encouraged by the silence of Europe and world public opinion. We have to break this silence! Let us not wait for another generation to destroy this monstrous construction, as all ghetto walls in the past were destroyed. I shall not enumerate the whole range of infringements of the Palestinians' rights caused by the Wall. You know them only too well. In one sentence, we can say that the Wall violates the most fundamental human right of the Palestinians; the right to live as human beings, according to the Universal Declaration of Human Rights (1948), which was adopted in answer to the crimes of fascism committed during World War II. How sad that the former victims or their descendants are violating the rules of humanity, which were enacted in response to their suffering.

Over the years, I was a witness to the crimes of the settlers against the Palestinians in Hebron and elsewhere in the West Bank. I tried to obtain justice for the victims, to put the perpetrators on trial, but in vain. The judicial system of the occupiers was no more than a travesty of justice. I have done my best to describe it, for all generations. What we see today is a continuation of the

old methods, followed with impunity, to make the Palestinians' lives hell on earth. Their hope is that the Palestinians will leave; their hope is that a silent ethnic cleansing can take place. The world must condemn this.

We all remember the extensive campaigns against deportations, while the High Court of Justice refused to accept the clear maxim of international law, which absolutely forbids deportation from the Occupied Territories. Instead of deportations, there is a new method - assassinations. These assassinations involve the killing of so-called "suspects" of "terror," including bystanders, among them women and children, or those dwelling with the "suspects." This method has a definition, namely, "the terror of the state," which is also a war crime, and is called "wilful killing" in Article 147 of the Fourth Geneva Convention.

Those abroad, who are calling these dreadful deeds by their proper names, are defamed as anti-Semites. This is a system of blackmail, intended to silence each and every attempt to condemn or even criticize the evil practices that Israelis use against Palestinians. There are now various Jewish groups, such as "European Jews for a Just Peace," who revolt against these methods.

I have been a homeless refugee and I shall never forget it. I felt terribly ashamed seeing the first destroyed Palestinian house demolished by Israeli soldiers in 1967. Afterwards, I no longer wanted to feel ashamed for the crimes of others, which I detested so much and against which I have struggled with all my strength. I salute all of those who are struggling today. I try to accompany them from far away.

The house demolitions became systematic and all judicial efforts to eliminate them, in accordance with international law, were made in vain. Today, even so-called "judicial review" is no longer granted. The Palestinian children and the elderly who look for their devastated, miserable belongings or medication among the ruins of their houses remind us and the rest of the world of other pictures of other times and other places.

In conclusion, in light of my previous experience and the present situation, which I know very well, I accuse the Israeli government of blatant violations of the human rights of the Palestinians, with dreadful persistence. The violations which I have enumerated are considered war crimes, as defined by Article 147 of the Fourth Geneva Convention.

In response to the dreadful persistence of the occupiers there is another persistence which is worthy of praise: that is, the persistence of the Palestinians, who continue to struggle against occupation and oppression, and who do not intend to capitulate. Those who hope for the capitulation of the Palestinians have not learned the proper lesson from the struggle of nations against colonialism: that the legitimate pursuit of freedom is invincible.

This pursuit deserves the full support of the international community, no less than was granted to the opponents of Apartheid in South Africa. Such support would constitute a real contribution to peace with justice in the Middle East.

My dear friends. One of the books I wrote in Germany was published under the title, "The Bridge of Dreams." It describes my bridge of dreams, leading to you. I am very pleased to be on this bridge with you today.

Thank you.