

“Looking the Occupation in the eye”: testimonies of Palestinians’ rights defenders before a UN Commission of Inquiry

This week, public hearings were held by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel at the UN headquarters in Geneva. This series of hearings focused on the civic society and its designated space.

In May 2021, the Commission of Inquiry was mandated by the UN Human Rights Council to investigate all alleged violations of international humanitarian law and of the international human rights law, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity.

The Commission heard testimonies on the realities faced by human rights defenders. In this article, we review some of the testimonies, as stated by the participants before the Commission.

We look at the testimonies of Israeli citizens Neta Ben-Porat and Israel Frey, who criticize their country's occupation of the Palestinians and the practices against them, and Salah Hammouri, a French-Palestinian lawyer who recently made headlines after his definitive expulsion from his birth city of Jerusalem.

" It is not out of love for imprisonment, but..."

Mr. Hammouri told the Commission his story, which he said began when he was shot at the age of fifteen and says that he has been pursued by Israeli forces ever since. He was arrested many times, mostly under administrative detentions, which do not

require the filing of specific charges, but may be based on "secret files" or the intention of the arrestee to violate the law.

Mr. Hammouri said that he was subjected to harsh conditions during his first arrest at the age of sixteen, before his arrest in 2005 when he was less than twenty years old. In 2007, he was sentenced to 7 years in prison by the military court, whose decision he still does not recognize "because of its illegality according to international law," as he stated.

"In 2007, before the verdict was issued, I was offered to be deported to France for 15 years or stay in prison for 7 years, and I refused deportation to France for 15 years. It is not out of love to stay in prison, but I knew very well that this occupation aims to deport me, therefore the idea of deportation and of displacement had existed ever since."

Salah said that the aim of arresting Palestinians is to break the detainee's psyche and turn him into a burden to his family and society. He told the Commission that some detainees are subjected to continuous interrogation that may last up to 120 days, in addition to physical and psychological torture, including sleep deprivation, denying them access to defense lawyers and the Red Cross [ICRC] for long periods, denying them family visits, and (use of) extortion, as he stated.

Salah Hammouri was released in 2011, when he returned to university and obtained a law degree. He worked as a lawyer and human rights defender with Addameer Prisoner Support and Human Rights Association.

However, "the persecution by the Israeli authorities continued," and he was prevented from entering the West Bank in 2014, affecting his work, and in 2016, his wife was stopped at the airport for 3 days while she was seven months pregnant, and then

deported to France. According to Mr. Hammouri, the deportation of his wife on charges of a "secret file" that she was not informed of was aimed at putting pressure on the family to separate them and prevent his son from obtaining a Jerusalemite ID, as he told the Commission.

In 2019, Mr. Hammouri was informed by the Israeli Minister of Interior about the order to revoke his Jerusalemite ID according to a law that was adopted [by the Knesset] in the previous year, authorizing the Minister to revoke Jerusalemite IDs for the breach of allegiance to Israel.

Speaking to the Commission of Inquiry, Mr. Hammouri said that **"the Occupation continues to practice ethnic cleansing and discrimination"** towards the Palestinians by enacting more of what he described as racist laws aimed at evacuating the city [Jerusalem] of its citizens and maintaining an Israeli majority in Jerusalem. He stated that the daily procedures serve this agenda, including the demolishing of homes, building the [separation] wall, refusal to issue building permits, and the economic blockade to force Jerusalemites to leave.

"We, as a people under occupation, are not required to be loyal to the occupying state. On the contrary, we have the right to resist this occupation in accordance with international law."

"Identity theft"

Salah was administratively detained in March 2022 for a period of 3 months, and his detention was renewed 3 times consecutively. In September, he joined 30 detainees in a hunger strike to protest their arbitrary detention.

He spoke before the Commission about the means applied by the Prisons Authority to force them to stop the strike and said: **"I was isolated for 16 days in a small and dirty cell with a camera around the clock. There was psychological pressure from the wardens in an attempt to break my will, such as searching the room on a daily basis when it's empty, and waking me up at night to break my sleep cycle"**.

On the 5th of December of last year, Salah's Jerusalemite ID card was definitively revoked, and 12 days later, he was taken to Lod airport [Ben Gurion] and deported on an Israeli El Al plane, with his hands and feet tied, until he arrived at Paris airport.

Mr. Hammouri said, "revoking residency and transferring people under occupation is a war crime, especially since many Jerusalemites do not have another nationality or identification papers other than their Jerusalem ID cards".

Opening people's eyes

The Commission, established by the Human Rights Council, heard from Neta Ben-Porat who is involved in the activities of several Jewish organizations working to highlight the plight of the Palestinian people, most notably a group called "Looking the Occupation in the Eye".

She is a mother of three children, who said was born and raised as a Zionist and believed her country to be just and that the Jewish people had the right to the land from which they were exiled more than two thousand years ago, according to her.

"It is difficult to open people's eyes" she added, after being brought up in the Israeli education system for 15 years and then serving in the army. **"It is difficult to understand that many things you learned in school and from your family are not**

true and misleading, and that the reality of what is happening in the Occupied Territories is hidden from the Israeli society”, she added.

In November 2021, Ms. Ben-Porat was subjected to a settler attack while she was accompanying, together with eight other Israelis, Palestinian farmers in the olive harvest season in Surif, in the West Bank.

Neta stated that the presence of Israelis to protect the farmers helps reduce settler and army violence, however, that was not true in this case.

It was the first time in two years that farmers were allowed to access their lands due to their proximity to an illegal Israeli settlement. In the beginning, Israeli soldiers prevented settlers who started to gather, from reaching the activists and farmers. However, despite the continued threats, they [soldiers] left the location around noon.

According to Neta, she heard a siren as soon as the army left, and the attack started under the supervision of a man who appeared to be the security coordinator for a nearby settlement, and this was an official function, according to her.

She was attacked by settlers by throwing stones at her from a close distance and hitting her with sticks.

“Dozens of settlers, all masked, ran down the hill and threw stones at us ... It felt unreal. I didn’t do anything to hurt them. I hadn’t spoken to them, provoked them, or argued with them”.

Neta stated that she never thought that settler violence could break out at any time and without confrontation or provocation.

“It took me a while to understand that the blood that I saw on my hands and on my shirt was my own”.

The Israeli activist was taken to a clinic in Surif, where her head was stitched, and her wounds were treated. She was later transferred to a hospital in Jerusalem.

The attack against Ms. Ben Porat led to long-term injuries preventing her from working in some instances.

“A year and a half later, I still carry the effects of this attack on my body, and even more so, on my soul”.

Still, Neta said that she felt privileged as an Israeli and tries to use this privilege for good.

“When I demonstrate with Palestinians, I am protected by Israeli law that allows me to demonstrate. While a Palestinian standing next to me is subject to military law that prohibits the gathering of more than 10 people. The same demonstration, at the same time, in the same place, perfectly legal in case you’re an Israeli and illegal in case you’re a Palestinian. I cannot call this anything but apartheid”.

Despite the existence of high-resolution photos of the attackers showing their faces, and the presence of security cameras, only one settler was arrested, and no real investigation was carried out into the case, according to Ms. Ben Porat’s testimony.

“Since he was arrested immediately after the attack while detaining the blood-covered stick, they were forced to press charges. Most of our attackers do not pay for their crimes”.

In the meantime, she said that three Palestinians were arrested in that same incident for defending themselves and were forced to pay a bail of around three thousand dollars.

Neta stated that the arrest of a settler is a very rare incident, and even in this case, the person was only sentenced to house arrest.

Ms. Ben Porat testified about other attacks that were met with impunity for the settlers, including an incident where settlers injured more than five Israeli activists with stones and sticks and burned their car.

She stated that settler violence and the enabling environment created by the army, are used to expel Palestinians from their lands and work as a proxy of the government to **“ethnically cleanse”** Palestinians.

If I only knew

Neta stated that many Israelis are not even aware that there is an occupation in the first place. However, she believes that some people started to understand the link between the occupation and the new “dictatorship that the government wants” in Israel following the recent settler attacks on the Palestinian village of Huwwara.

Neta considers herself as a model Israeli citizen and says that speaking before the Commission breaks her heart, but she feels she has no other choice.

“I’m obliged to tell you what I witnessed, because I now understand that change cannot come from the Israeli society alone. I am here to ask you to intervene. The world cannot keep silent”.

Ultra-Orthodox Activist

Israel Frey is the grandson of a Member of Israeli Knesset representing the main party in their ultra-orthodox community.

The 35-year-old journalist said he was fired from his first job at an ultra-orthodox newspaper because of his opinion on the Israel-Palestine cause.

He did not serve in the military because of his belief, and maybe that helped shape his opinions, Mr. Frey stated. However, he did confirm that at a time when many religious people grew up without a political identity, they do lean right, especially the youth. **“Many do not even know what the Nakba is”**, he added.

“My opinions on Palestinians stem from my belief in equality among all human beings. It is difficult to ignore what Israel is doing to Palestinians. I think I can raise the awareness of Israelis.”

Mr. Frey’s real issues started with his second job. He worked at a newspaper that was considered more left-leaning when news of a young man in Nablus planning an attack emerged, but the young man said he didn’t want to harm any innocent people, he wanted to target soldiers in military uniform.

In one of his articles, Israel described the young man as a hero for his ability to distinguish between a civilian and a soldier despite the oppression he and his people face by Israelis, as he stated before the Commission.

“I wouldn’t have been able to make the distinction because everyone participates in the oppression of his people, but he was able to do so”, he stated.

After complaints from right-wing organizations, he said that he was lured by a policeman who claimed had information for him and invited him to meet at a park in Jaffa.

When he arrived at the park, two policemen attacked him in his vehicle, they tied his hands and feet and took him to the police station.

Today, Mr. Frey is still considered a suspect in the charge of incitement. He received messages from right-wing groups that they will use his arrest reports as evidence to indict him since they were posted on Palestinian media.

“Double standards”

Still, Mr. Frey admitted that there are double standards in the Israeli judicial system. He said he has a voice and privileges as a religious person. He referred to Lama Ghosheh, a journalist from East Jerusalem who was charged with incitement for posts that **“cannot be considered incitement by any standard”**, as stated by him.

Mr. Frey said that the young Palestinian mother, Lama Ghosheh, will now have to stand before a judge **“who served in the army, has a Zionist agenda, and will indict her according to laws that she doesn’t participate in”**.

Moreover, the Israeli journalist said, the soldiers in Huwwara did nothing to stop settler attacks, furthermore when hundreds of Israelis arrived to show solidarity with the local community, the soldiers prevented the buses from entering (Huwwara).

“Declining democracy”

Mr Frey said the actions of the Israeli authorities against Palestinians living across the 1967 borders are now targeted against Israelis who stand up against the government, while the charge of incitement is increasingly used as a pretext to silence others.

"Israelis believed that the Israeli regime would not apply these undemocratic measures to us. There is no other way to say this, what Israel is doing against the Palestinians is a far cry from what we call human rights."

Despite what he described as "the Israeli public's shock at a right-wing government coming to power," Mr. Frey said all Israelis were involved. He added, **"We cannot deny it. I think that what we have done towards others is now targeting us internally. What is happening in Israel is not good"**.

Mr Frey stressed that the average Israeli is not immoral but has almost no real information about what his country is doing against others.

He said, **"In Israel, there are excellent journalists and great media outlets on many issues, but when it comes to the security situation, the information that the Israelis receive about the situation between the Jordan River and the sea is a complete propaganda."**

Mr. Frey said that right-wing organizations are largely succeeding in silencing journalists in Israel, noting that he is currently facing two defamation cases because of his coverage of illegal settlement activity.

He stressed that many right-wing organizations operate under the guise of civic society but in reality they have "fascist" agendas to delegitimize others and are directly linked to the current government, he said.

When the Commission asked him about the impact of his activities on him and his family, Mr. Frey preferred not to answer, and said: **"You can understand that I have to go back there,"** saying only that what is going on there is not good.

To conclude, Mr. Frey said that he had deep respect for the Commission, but that many in Israel would "laugh at" this mechanism for not being able to hold Israel accountable because of "the way the state was established". **"People can delegitimize any criticism as anti-Semitic and use these terms to continue carrying out their actions against the Palestinians,"** he explained.

The Commission of inquiry held its first series of public hearings in November 2022. At that time, it focused on the closure orders, the designation of Palestinian human rights organizations as terrorist organizations, and the killing of Al-Jazeera Journalist Shireen Abu Akleh.