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Punishment of the Innocent

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contingency and follow-on support operations. The airlift mounted in the Middle East conflict received well-deserved praise. Not so well publicized is the fact that from October 6, 1973, to date, sealift accounted for over 70 per cent of the total tonnage moved. In order to reestablish and maintain an effective strategic movement capability, sealift forces must be augmented and modernized as a necessary complement to strategic airlift. This must include maintaining and modernizing sufficient naval escorts and carrier task forces to protect these sealift forces enroute. We also must continue to insure that our naval forces are capable of responding as fully and rapidly as they responded to this crisis.

“Finally, the issue of operating bases must be faced. The United States was disappointed when some of our allies did not perceive their national interests as being identical to ours. Without the cooperation of Portugal, which consented to the use of Lajes, the resupply operation which made Israel’s survival possible could not have been conducted without great hazard and almost prohibitive cost. The world has shrunk in political terms, but it is still just as many miles from a US depot in Arkansas to the Middle East as ever. If in the future we are to be able to respond to a call for help of the nature and magnitude of the Israeli operation, we will need secure bases, where we will be relatively free of foreign political constraints. The best runway, storage facilities, geopolitical location, or deep water port is of little utility if political constraints preclude its use.

“Ultimately, the issue is whether, when the United States finds its vital interests are in peril, other friendly powers will perceive their interests similarly threatened and continue their cooperation with the United States. If one element of deterrence is our ability to respond rapidly to conflict in farway places, then we must consider the need for forward-basing US air, ground, and sea forces in areas where our important interests may be altered by military or political compulsions beyond our control.

“As you are aware, we are presently assisting the Egyptians in their project to

reopen the Suez Canal. Reopening the Suez will, of course, shorten the Soviet access route from the Black Sea to the Indian Ocean. It will facilitate their deployments and operations in the Indian Ocean which over the past several years have progressively increased in size and scope. At the same time they have gained access to support facilities in the Indian Ocean littoral areas. Because of the need to preserve access to Middle East oil through the Indian Ocean and to insure continued free movement of US ships into and out of the region, it would not be in the interests of the United States to allow the Soviets to dominate the Indian Ocean with their naval presence. It is in the US interest to have the ability to influence events in that area; and the capability to deploy our military power to that area is an essential element of such influence.

“Recent events such as the Arab-Israeli war and the oil embargo have focused worldwide attention on the strategic importance of the Middle East and Indian Ocean areas. It has been and will continue to be the US goal to maintain a military balance throughout this very important area. Recognizing that there can be no military solution to the problems in the Middle East, the maintenance of a recognized military balance is one of the best means to ward off the future outbreak of hostilities, while striving through the negotiating avenue to arrive at mutually agreeable solutions to the very complex problems which divide the governments and peoples in this region. I would not for one minute discount the depth and deep roots of these problems in the Middle East, but I believe that some progress is being made and I can assure you that we are working resolutely through diplomatic channels to see that progress continues.

PUNISHMENT OF THE INNOCENT

Israeli violations of the Geneva Conventions were the main subject of a statement by Israel Shahak, Chairman of the Israeli League for Human and Civil Rights, to the Subcommittee on International Organizations and Movements of the US

Congressional Committee on Foreign Affairs on April 4, 1974.

“Mr. SHAHAK. ‘Mr. Chairman, first of all I would like to thank you for the honour of inviting me. The organization of which I am the chairman makes the point of limiting itself to fighting for human rights and other rights of individuals, and I will follow this line in my testimony.

“ ‘To avoid any questions of conflict of evidence I have decided to limit myself in two ways. First of all, as my statement indicates, I will deal only with the punishment of innocents in occupied territories — meaning territories occupied by Israel after 1967 — which are openly admitted by the government of my country and about which there is no possible conflict of evidence. Every violation I will mention today has been openly announced by the people who are in charge of it.

“ ‘May I say, sir, that those things which as a human being and as a Jew shocked me most and which violated the most basic human rights are not only, if I may say so, weak, but also stupid and futile. I will try to explain in simple, human terms what I have written in my statement.

“ ‘The first thing is blowing up or otherwise destroying houses. This means that in the inhabited cities or villages of the West Bank and Gaza Strip, cities which are very far from any frontline or borderline or cease-fire line, if a man is arrested and taken into custody on any charge, the authorities come after a certain time to the house where he lived and either blow up or otherwise pull down the house.

“ ‘I must say that my organization does not intervene in any sort of legal prosecution of the accused prisoners, since the prisoner is already in custody. Many times I have stood near the ruins of such a house in cities of the West Bank and Gaza and spoken to the family made homeless, to the little babies who are living literally in a ditch sometimes covered with a tent, and sometimes even without coverage of a tent because eviction from the house is made quite often on two hours’ notice.

“ ‘After the destruction — having seen the family trying to retrieve some of their belongings which they could not remove

from their home — I must tell you that it was and is one of the worst experiences in my life. I have not had experiences which shocked me so to the core, even including very hard experiences in much of my life.

“ ‘It is not only because it is a horrible thing to take babies and throw them into the street, but also because, looking into the faces and into the eyes of those children who in many cases hated me, I know that I am a citizen and soldier of the state of Israel. I have seen the futility of it all, and I have seen the groundwork for a long conflict in the future. I think that there can be no argument whatsoever that even if one had all the wealth in the whole world or were even a survivor of a concentration camp, I don’t think anyone would propose to go to Eichmann’s family home in Argentina and pull it down, let us say, and throw his children who were born after Hitler’s time into the street.

“ ‘Therefore, I consider this punishment — destruction of houses — which is beyond the prohibition of the Geneva Convention, quite wicked and, if you excuse me using this word, stupid, futile, and causing untold suffering to both Palestinians and to other people, and to my own people. I want to remain in Jerusalem, where I will return in about a week’s time, and this pulling of the roofs from over cradles and children’s heads I hope will not prevent me.

“ ‘The second thing that I want to deal with is expulsion of individuals. Again I am not speaking about refugee problems as dealt with by other witnesses but limiting myself to individuals expelled as individuals. I will be submitting a partial list of individuals expelled before September 1972.

“ ‘What I want to speak to you about is again very simple. The authorities come to the house at night, usually late at night. They almost always take the father of the family and transport him the same night to a deserted strip of the Israeli border south of the Dead Sea where he is forced to cross the border.

“ ‘I want to emphasize that I would not object — either in my country or out of it —

if that man were accused of something, charged legally, and put in custody, but I very strongly object in my country and out of it against such arbitrary punishment, and even more against a government — or let us say executive — being the prosecutor, the judge, and the executioner in its own case, and in such a way that it is very difficult to defend against the situation.

“ ‘As I said, I am submitting a list of individuals expelled before the year 1972. I will be willing on request to compile a list of people who were expelled in the last two years.

“ ‘The last thing that I want to describe is a problem of settlements in the occupied territories. Now again I want to go beyond the letter of the law. The letter of the law of the Geneva Convention forbids formation of civilian settlements of the occupying power in occupied territories. This is not the main point. The main point in my opinion is the nature of these settlements. As an inhabitant and citizen of Israel, I would not be so much opposed to the confiscation of lands in Jerusalem, for example, and construction of housing projects there that would be intended to benefit all the inhabitants of united Jerusalem, but they are not. They are housing projects for the benefit of Jews only, meaning that the inhabitants of East Jerusalem are denied rights of housing in those housing projects on confiscated land.

“ ‘In addition, I object very strongly to the fact that members of minorities in my country, Israeli citizens who are not Jewish, are also denied the right to settle in those settlements. As a Jew I also object that American citizens who want to settle in my city in those settlements must show proof that they are Jews and then they will be allowed, but otherwise not. I must say that I would object as a human being and, of course, as a foreigner if the same discrimination were proposed or practised against my people, Jews in New York. It is my duty both as a human being and as a Jew to object when it is practised in my city, Jerusalem, when we are the majority in Jerusalem.

“ ‘I will conclude with one additional thought. As a foreigner, I cannot see my

duty to indicate to you what you should do about this beyond one single thing: I think as a human being I can appeal to you as human beings that if you think those things that I have propounded are correct — and please check them whenever possible — it is your human duty to express an opinion about them, and this is what I am asking.

“ ‘As I say, officially and collectively — or perhaps even better, individually, in a tone of friendly advice — if possible, please express your opinion, how you feel, about those things.

“ ‘Thank you very much.’

“ [Mr. Shahak's prepared statement follows:]

“ ‘*Statement of Israel Shahak, Department of Organic Chemistry, Hebrew University, Jerusalem, Israel, and Chairman of Israeli League for Human and Civil Rights*

INTRODUCTION

“ ‘I shall limit myself only to some aspects of the situation, where the facts are openly admitted by the Israeli government.

“ ‘(1) *Punishment of Innocents — Collective Punishment by: Blowing-up, or otherwise destroying houses.* The relevant articles of the Fourth Geneva Convention, Civilians (Emphases added):

“ ‘Article 32

“ ‘ “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the *physical suffering* or extermination of *protected persons in their hands.*

“ ‘ “This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, *but also to any other measures of brutality, whether applied by civilian or military agents.*”

“ ‘Article 33 (Part)

“ ‘*No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.*”

“Article 53

“ “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

“DESCRIPTION

“ ‘When certain occupants of the territories are arrested, the authorities decide arbitrarily that the house where the arrested person had lived, should be blown up (or otherwise made [un]inhabitable). All the persons living in that house are turned out of it, usually at short notice, without any provision for alternative housing. I would like to emphasize specially the following points:

“ ‘(a) This cruel punishment is inflicted on people who are completely innocent of any crime, even in the opinion of the authorities themselves, as shown by the fact that they are not charged.

“ ‘(b) Many, in fact most, of the human beings punished in this cruel way, are people who are *incapable* of any crime: children and even babies, the ill, the old and the infirm. Indeed, the more a person is innocent, the more heavily he is punished, a statement which can be illustrated by the fate of a baby thrown out into the street!

“ ‘(c) The punishment is inflicted in cold blood, not only without any “absolute necessity,” but when the very person who is suspected by the authorities is already in their custody.

“ ‘(d) No one knows for what type of suspicion the houses of suspects’ families will be blown up. The punishment therefore is completely arbitrary.

“ ‘(e) For comparison: In no case of terrorism, etc., committed by Israeli inhabitants, were houses, even of the convicted offenders, blown up or otherwise destroyed.

“ ‘(f) This punishment is carried out, at short notice, in the most inclement weather, causing intense physical suffering.

“ ‘(g) The blown-up houses may contain a great number of people, due to the

system of “extended family” housing practised in Palestine. Cases are known in which 30 people were thrown into the street by the blowing-up of one house.

“CONCLUSION

“ This practice, openly admitted by the military government of the Israeli Army in the conquered territories constitutes a clear contravention of the Articles 32, 33 and 53 of the Fourth Geneva Convention. It constitutes, besides, a most cruel and brutal punishment, whose main burden falls on babies, women, the old and the infirm. It cannot avoid causing intense pain and physical and mental suffering not only to the families expelled from their houses, but to the whole population.

“(2) *Expulsion of Individuals*. The relevant article of the Fourth Geneva Convention, Civilians:

“Article 49 (Part)

“ “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power, or to that of any other country, occupied or not, are prohibited, regardless of their motive.”

“DESCRIPTION

“ ‘Various individual intellectuals and community leaders of the Palestinians in the occupied territories are continually being expelled to Jordan, arbitrarily. The expelled person is almost always the head of the family, and in consequence the family is torn asunder. In many cases, even short visits are forbidden, after such an expulsion. The expulsions are carried out in the following manner: The people to be expelled are arrested in the night. Only a short time is allowed for packing and the family is prevented from contacting a lawyer, or indeed anybody at all. The people are then taken to a desert spot south of the Dead Sea, and forced to cross the Jordanian border. If they remain near the border, shots are fired at them until they “move on.” I would emphasize specially the following points:

“ ‘(a) Families are torn asunder.

“ ‘(b) The punishment is inflicted specifically on known community leaders.

“ ‘CONCLUSION

“ ‘This practice, which was on December 10 solemnly approved by all the Israeli ministers without a single dissenting voice, constitutes a clear contravention of Article 49 of the Fourth Geneva Convention. Being directed mainly against known community leaders of the Palestinians living in the occupied territories, it constitutes in addition a collective means of intimidation of a whole people.

“ ‘ (3) *Jewish Settlement of the Occupied Territories*. The relevant article of the Fourth Geneva Convention, Civilians:

“ ‘ Article 49 (Part)

“ ‘ “ The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

“ ‘DESCRIPTION

“ ‘The Israeli government has founded *civilian* settlements in the occupied territories, such as:

“ ‘Kiryat-Arba (near Hebron) — West-Bank.

“ ‘Yamit and several villages—Northern Sinai.

“ ‘Ophira (Sharm al-Sheikh)—Southern Sinai.

“ ‘Parts of East Jerusalem, and others.

“ ‘Those settlements constitute a transfer of Israeli civilian population into the occupied territories.

“ ‘In addition, I would like to emphasize the following additional points:

“ ‘ (a) Those settlements are (in addition to the clear contravention of the Geneva Convention) *racist, discriminatory settlements*. They are (officially) exclusively devoted to Jews only — meaning those who are officially recognized as Jews by the State of Israel.

“ ‘ (b) The following categories of people cannot live in any of these settlements; (1) All the “protected” of the occupied territories. For example: No inhabitant of Jerusalem who does not happen to be Jewish can buy or rent legally any dwelling in Ramat-Eshkol or the other quarters built on land confiscated from the inhabitants of occupied Jerusalem. (2) All Israeli citizens or inhabitants who are not Jewish.

Those are not Israeli settlements, those are Jewish settlements. (3) Anyone in the world who does not happen to be Jewish. For example: A citizen of the USA who would want to settle in Kiryat-Arba, for example, would be required to show whether he is Jewish. If he is, he would not only be allowed to settle, but given help and money. If he is not Jewish, he would be prohibited to settle in those settlements.

“ ‘ (c) Those settlements introduce racism in its worst form to a place where it was not practised before.

“ ‘ (d) By the introduction of that racism, they constitute a form of oppression of the whole population of the conquered territories.’

“ ‘Mr. FRASER. ‘Thank you very much, Dr. SHAHAK.

“ ‘Dr. SHAHAK, you indicated that you are in the Israeli Army?’

“ ‘Mr. SHAHAK. ‘Yes, I am called every year for service.’

“ ‘Mr. FRASER. ‘When did you come to Israel?’

“ ‘Mr. SHAHAK. ‘In 1945, as a child.’

“ ‘Mr. FRASER. ‘And you came from where?’

“ ‘Mr. SHAHAK. ‘From the concentration camp at Bergen-Belsen.’

“ ‘Mr. FRASER. ‘And you took your training as an organic chemist in Jerusalem?’

“ ‘Mr. SHAHAK. ‘Yes. My high school was in Tel Aviv, the first Hebrew high school ever established in Tel Aviv. My university study was in Jerusalem. I spent my life before 1945 in Germany.’

“ ‘Mr. FRASER. ‘When did you become active on behalf of human and civil rights?’

“ ‘Mr. SHAHAK. ‘After the Six Day War, mainly from spring 1968. I became chairman of the organization in early 1970, March 1970. Perhaps I should be sorry, but I was not active before 1967 in any non-professional, non-chemical way.’

“ ‘Mr. FRASER. ‘You have testified with respect to three matters. One is the destruction of homes of Arab families in the West Bank and Gaza Strip areas, and the point you were making was that this destruction

of homes comes after the apprehension of the person who may have been involved in some criminal act.'

"Mr. SHAHAK. 'Yes, sir.'

"Mr. FRASER. 'Then you have mentioned the expulsion. It was not clear to me who is being expelled.'

"Mr. SHAHAK. 'Individuals.'

"Mr. FRASER. 'Are these Israeli citizens?'

"Mr. SHAHAK. 'No. My testimony does not involve the state of Israel. It involves only the territories occupied by Israel after June 1967. I must make the point there were some cases of Israeli citizens who were sentenced for terroristic acts, and their houses in Israel were never pulled down. There are some Arab and Jewish citizens of Israel who were convicted of terrorist acts but their houses were never pulled down. This is a punishment which is applied only in the occupied territories.'

"Mr. FRASER. 'The expulsion that you are referring to in your testimony relates then to non-Israeli citizens.'

"Mr. SHAHAK. 'Non-Israeli citizens.'

"Mr. FRASER. 'And they then too would be in the West Bank?'

"Mr. SHAHAK. 'West Bank and Gaza Strip.'

"Mr. FRASER. 'Gaza Strip.'

"Mr. SHAHAK. 'The other territories are relatively empty of inhabitants, and I am concerned with individual human beings. Therefore, the emphasis on **both**.' "

MERCHANDISE OF DEATH

The next pages reprint a table compiled by *MERIP Reports* concerning US military supplies to the Middle East. It is categorized as follows:

Arms Sales: Includes direct sales by the US government and commercial sales financed by US government credits and loan guarantees; excludes direct sales by US corporations. Source: US Congress, House Committee on Foreign Affairs, *Mutual Development and Cooperation Act of 1973, Hearings*, 93rd Cong., 1st Sess., 1973, pp. 130-38.

FMS Credit: Credits for arms purchases furnished by the US government under the Foreign Military Sales (FMS) programme. Arms sales financed with FMS credits are included in the Arms Sales category above and so do not contribute to totals (and are thus placed in parentheses).

Security Supporting Assistance: Funds provided by the US Agency for International Development for support of friendly governments threatened by insurgency or external attack.

Food for Peace: Local currencies generated under the "Food for Peace" (Public Law 480) programme that are used for defence purposes.

MAP Grants: Direct grants of military equipment provided under the Military Assistance Programme (MAP).

Excess Defence Articles: Transfers of military equipment from stockpiles of "excess" US material (such aid is computed at one-third acquisition cost for military aid purposes).

Other Military Grants: Includes naval vessels loaned for indefinite purposes and costs of US military missions and military assistance advisory groups (MAAG's). Also includes "Greek-Turkish" aid of Truman Doctrine era.

Export-Import Bank Military Loans: Credits furnished by the Export-Import Bank (Exim Bank) for purchases of US military equipment.