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A Critique of the U.S. State Department's 1986 Country Report on Human Rights Practices in the 196 7 Israeli.- Occupied Palestinian Territories

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Toward the end of the Ford administration, Congress passed legislation requiring the State Department to prepare a yearly report on the status of human rights in each country that received U.S. economic assistance. The intent of the legislation was to provide Congress with an independent assessment of the degree to which internationally recognized human rights were respected in countries receiving U.S. aid. This legislation was later amended to require reports on all UN member states. These State

Department country reports, as they came to be called, were intended to help Congress make more informed judgments on U.S. foreign policy: theoretically, at least, any government found by these country reports to have violated on a consistent basis internationally recognized human rights could be denied U.S. foreign assistance.

Draft reports are typically prepared by staff in U.S. embassies, reviewed and amended by State Department human rights and geographic desk staff, and finally amended and approved by high-level administration officials, including the National Security Council. It is clear that significant compromising of human rights concerns occurs in this process, if such compromising is in the interest of U.S. foreign policy.

From a review of a number of country reports, it is clear that the State Department can indeed be thorough and critical in its assessments of the human rights situations in various countries when it chooses to do so. However, it apparently did not choose to do so in the report on Israel and the occupied territories. This report is ahistorical, inconsistent, and selective in its reporting of events. In addition, the report frequently assumes an official Israeli point of view, demonstrated in part by the report's tendency to reprint without comment official Israeli statements concerning Israeli actions, or alleged Israeli actions, and to cite Israeli legal provisions, regardless of whether they are actually adhered to.

The report on Israel and the occupied territories does document numerous Israeli human rights abuses. It contains much information of value. The statistics on some violations are fairly accurate and the State Department should be held accountable for its recognition of those violations to which it is willing to admit. However, within the context of the entire report, the severity of the violations documented becomes diminished. (One example of the contextual manipulation of statistics appears in the report on Nicaragua. The report spends over one full page to support its figure of 32 Sandanista government political killings and a page and a half to discount Sandanista reports of 1,000 political killings by the contras.)

Report Ahistorical

Despite the fact that the country reports claim to provide enough background information to provide an understanding of the situation in each country discussed, the report merely notes that Israel has "strained relations with its Arab inhabitants" or that there is a "friction between the occupation authorities and the Palestinian population." There is no mention of the national disenfranchisement of the Palestinians in 1948, the expropriation of their land, the fact that some 56 percent of the Palestinian people live in exile, that Israel has been cited numerous times by the UN and the Red Cross for destroying entire villages, refusing to repatriate refugees and exiles, and settling its civilian population in the occupied territories. By ignoring these facts, the State Department is able to ignore some of the most glaring violations of Palestinian rights, such as their right to self-determination and equality under the law, and their right to return to their land. Further, these Israeli actions, when noted, appear spontaneous and random. All Israeli actions have but one explanation: security.

It is interesting, then, to compare the State Department's treatment of Israeli occupation with the treatment given the Soviet presence in Afghanistan. In accordance with the official U.S. perspective, the report on Afghanistan briefly summarizes Afghan history, presents a case for how and why the

Soviets entered the country, and thoroughly discusses the occupation's effect on the indigenous population, especially in relation to the objectives of the occupier. While the report on Afghanistan claims that Soviet occupation forces are engaged in a "deliberate destruction of the country's agricultural infrastructure," the report on Israel notes only the "limits on economic enterprise, especially that which would compete with Israeli products, are ... a *source of contention*" (emphasis added).

The State Department further claims in the Afghanistan report that indigenous people have the right to resist occupation and to self-determination and that there is a clear relationship between belligerent occupation and human rights violations.

There is no prospect for an improvement in the human rights situation in Afghanistan without a political solution that includes the complete withdrawal of Soviet forces.

No such statements are made in the report on Israel and the occupied territories.

Country Reports Inconsistent

The State Department contends that it uses consistent standards to evaluate all countries in its annual country reports. In fact, however, the reports do not treat objectively similar phenomena in the same way. For example, the report on Israel and the occupied territories ignores numerous human rights violations perpetrated by Israel and its surrogate militia, the South Lebanon Army (SLA), in Lebanon. It is only noted that Israel maintains a residual presence in Lebanon and continues to support the SLA. There is no mention of Israeli bombing raids on Palestinian refugee camps in Lebanon, massive joint Israeli-SLA detentions of civilians and torture of detainees, nor is there any mention of Israel's practice of stopping vessels in international waters and detaining their passengers. These extraterritorial omissions appear to be intentional because they have been well documented by Amnesty International, the Red Cross, and the UN and because the actions of governments in territories outside their borders are discussed in other country reports. Note this quote from the report on

South Africa:

In May [1986] the South African Defense Forces launched simultaneous raids on alleged ANC training camps in Botswana, Zimbabwe and Zambia. In addition, attacks were made against Lesotho and Swaziland which were widely believed to have been launched by South African commandos. Several people, including refugees under the protection of the United Nations High Commissioner for Refugees, were killed or injured in these raids.

The word *alleged* is significant in the above quote. It reflects the State Department's willingness to question official South African government statements on its activities.

The State Department is also inconsistent on the question of the right of persons to enter and leave their countries of origin freely. This is a major issue for the State Department in its report on the Soviet Union.

While the U.S.S.R. has signed the Helsinki Final Act and other international documents in which the right to leave one's country and return thereto is recognized, Soviet law does not recognize

the right of citizens to emigrate by choice. The only recognized motive for emigration is the reunification of families.

In contrast, the report on Israel and the occupied territories buries what constitutes a major human rights violation on the part of Israel—revoking the residency rights of Palestinians at will—at the bottom of the section on freedom of movement, emigration, and repatriation. The paragraph dealing with this issue begins, "There are no obstacles to emigration." This is a curious statement in light of Israel's history of massive expulsions of Palestinians and Israeli policy toward the remaining indigenous Palestinian population. Fifty-six percent of the Palestinian people currently live in involuntary exile. Emigration is not only encouraged, it has been forced in countless cases. Only in rare cases does Israel allow Palestinian families to be reunified on Palestinian soil. Emigration is, in many cases, the only solution to family reunification. This is not even mentioned in the country report.

Unequals Made to Appear Equal

The report is characterized by a balancing operation which equates acts of the Israeli government apparatus and Israelis with acts committed by Palestinians. Thus, to the uninformed reader, it appears that Palestinian civilians and the combined forces of the Israeli government, military, citizens, and settlers are political and power equals engaged in a communal battle for turf. The first sub-section of the report, on political killings, demonstrates this method of distortion. The section begins, "Political killing is not condoned by Israel." It continues, "However, there have been deaths and injuries as a result of both terrorist acts and IDF security measures." Not only are acts by Palestinians and acts committed by the IDF given parity, acts committed by Palestinians are mentioned first. The following two paragraphs are a discussion of Palestinian acts of violence—this in a report on Israeli human rights violations. Since the discussion of the killings of unarmed Palestinian civilians by Israeli officials follows the discussion of Palestinian acts of violence, the report leads the reader to conclude that whatever Israel does, including killing unarmed civilians, it is only as a reaction to Palestinian violence and, therefore, in justifiable self-defense.

Adoption of the Official Israeli Perspective

The report is characterized by the State Department's adoption of the official Israeli perspective on what occurs under Israeli rule and why. The introduction states that friction arises between the Israeli authorities and Palestinians "from measures taken by Israel to counter terrorism and other perceived threats to security." The discussion of Palestinians killed and wounded by Israeli soldiers states that they were killed by "IDF soldiers enforcing security regulations." The section on disappearances says only that "Israeli authorities neither sponsor nor condone disappearances," and the section on torture begins, "Torture is forbidden by Israeli law and Israeli authorities say they do not condone torture." What would one expect the Israeli government, or any government for that matter, to say?

Omission of Important Data

The omissions of the country report on Israel and the occupied territories are as significant as what is included. Some omissions result from the vacuum created by dividing Israeli rule into two geographic zones: Israel and the 1967 occupied territories. The report on Israel states that 17 percent of the population of Israel is Arab, but does not mention that this figure includes some 125,000 Arabs living in

annexed East Jerusalem, who are officially counted as Israelis but have no Israeli citizenship rights. They, like the Palestinians in other parts of the occupied territories, have been effectively reduced to alien residents. Discussion of the political status of the Palestinians of East Jerusalem is omitted and replaced by "Arab residents are permitted and encouraged to vote in municipal elections." Omitted is the fact that these are the *only* elections in which they are allowed to vote. Also, nowhere in the report is it clearly stated that Jewish residents of the occupied territories have Israeli citizenship but Palestinian residents do not.

Another omission concerns the working conditions of Palestinians from the occupied territories who work in Israel. This represents *half* of all employed Gaza Palestinians and *one-third* of all employed West Bank Palestinians (including those employed abroad and excluding East Jerusalemites)-a significant population that cannot be easily dismissed (Benvenisti: 1986). The State Department is required to report on labor conditions in each country report, including work hours, wages, and conditions of occupational safety and health. Nothing is mentioned concerning the labor conditions of these Palestinians though there are widespread, well-documented abuses of their rights occurring on a daily basis, including the fact that they must contribute to the Histadrut (Israeli General Federation of Labor) and the Israeli National Insurance scheme but are ineligible to receive the majority of the protections and benefits of these organizations. Instead, in the report on Israel there is a discussion of Israeli labor law and in the report on the occupied territories, a discussion of Jordanian labor law.

Absence of Strong, Critical Conclusions

A look at how the strongest indictment of Israel in the report is handled is instructive. Concerning the killing of two unarmed Birzeit University students and the subsequent killing of two youths in Balatah refugee camp by IDF soldiers in December 1986 the report states: "It appears that the deaths could have been avoided by the use of non-lethal crowd control measures." The determination that these deaths could have been avoided by non-lethal crowd control measures was made by an internal Israeli military inquiry (though the inquiry found no fault with the fact that deaths occurred).

Compare the treatment of these killings during demonstration control with the way such killings are treated in the report on South Africa. The State Department indicted the South African police for using *excessive force* in quelling demonstrations--excessive force being defined as "use of tear gas, birdshot, whips, and rubber bullets, and at times, live ammunition." There is no *objective* difference between the actions of Israeli forces and those of South African police in quelling demonstrations. The question arises why South Africa was indicted and Israel was not?

The discussion of political killings avoids concluding with a determination that physical violence and killing by the IDF were on the increase at the end of 1986, although this is clearly what the data point to. Four unarmed Palestinians were killed in December 1986 and nearly half of all Palestinians seriously injured by occupation forces in 1986 were injured in the same month. Rather, this section ends on a note of gratuitous optimism: "The IDF limited its use of lethal force in subsequent disturbances."

Major Conclusions of the Report

The report draws few overall conclusions regarding Israeli human rights practices, though the State Department is quite forthright in its conclusions in other country reports. With regard to Israel's

conformity to the Geneva Conventions in the territories occupied since 1967, the report states only that "major differences have arisen." Not major violations, major differences. The human rights situation for Palestinians is described, not as poor or bad, but as "complex." Moreover, Palestinians are not the victims of human rights abuses, the Israeli government is: "The most significant human rights *problems for Israel* derived from strained relations between Israeli authorities and some Israelis and the Arab inhabitants" {emphasis added}.

The strongest general commentary on the situation of Palestinians under Israeli rule appears in the section on discrimination based on race, sex, religion, language, or social status—a new category in 1986. It would be difficult for the State Department to ignore the significant discrimination Palestinians endure in the occupied territories. While the State Department did not ignore them, it used mild terms to describe the situation:

On a broad range of issues, including the right to due process, acquisition and loss of residency, freedom of movement, land use, and access to social services, Palestinians in the West Bank and Gaza are treated *differently and usually less favorable* than Jewish settlers in the same areas [emphasis added].

In the words of the *Jerusalem Post*, the State Department report on Israeli human rights practices was a "generally mild critique."

Conclusion

Clearly, a formal critique of the State Department's *Country Reports on Human Rights Practices* for Israel and the occupied territories must not only cite facts and statistics and note any discrepancies that exist between what is reported and what is real; it must also address the techniques used to downplay the situation. It must address the manipulation of context, the use of official Israeli justifications for violations, the absence of an historical framework, the dismissal of valid documentation on abuses, and the unwillingness of the State Department to make a clear, forthright assessment of the situation of Palestinians under Israeli rule.

The U.S. State Department's report on human rights practices in Israel and the occupied territories must be seen as another facet of the multi-dimensional effort in the United States to discount the Palestinian struggle for freedom from military occupation, discrimination, violence, and dispersion. The 1986 report not only supports that effort, but attempts to place the report in a context conspicuously guided by a vision of the Middle East proffered by the current administration: that the problems in countries such as Palestine are caused by communal conflict among otherwise equals, that there are no struggles for democracy, and that terrorism for the sake of terrorism is the *real* problem in the Middle East.

After reading a number of the human rights country reports, it becomes clear that the State Department does indeed have different human rights standards for different countries and that the reports say as much about U.S. foreign policy as they do about human rights. The legislation **which** called for country reports for all UN-member nations, not just those receiving

U.S. aid, created an advantage for the State Department in two ways. First, it removed it from the embarrassing situation of having to critique only its friends and allies. Second, it allowed the State

Department to establish a continuum of human rights violators, based, not on reality, but on where the country stood *vis-a-vis* U.S. foreign policy. Friends and allies of the

U.S. receive mild critiques, enemies receive harsh ones. The report on South Africa reveals that in the absence of any objective differences between this year and last, reporting can be more severe when a government falls into disfavor with the administration. Apartheid is not fashionable in 1986 and thus the report on South Africa is critical.

In conclusion, it is incorrect to think that Congress can utilize these reports to assess objectively the human rights practices of potential recipients of U.S. aid since it is foreign policy considerations that predetermine the content, style, and conclusions of the reports. As the report on South Africa indicates, only with substantial public pressure can one hope that future reports on Israeli human rights abuses will be more reflective of reality.