



To:
Lord Bracadale
Independent review of Hate Crime Legislation, Scotland
St Andrew's House
Edinburgh EH1 3DG

23 Nov 2017

From: **Association of Palestinian Communities in Scotland**

Subject: A Submission Addressing the Independent Review of Hate Crime Legislation in Scotland.

This paper represents the views of the Palestinian community in Scotland.

We are Scottish Palestinians, some of us citizens and long-term residents who arrived here following earlier waves of Israeli ethnic cleansing¹, others more recent arrivals, some stateless. We are writing to express our need to be free to narrate freely our experiences, to discuss freely our tragic past and our hopes for a future founded on justice and freedom in occupied Palestine.

This freedom is essential if the crisis in our homeland is to be resolved. If adopted, the IHRA (International Holocaust Remembrance Alliance) definition could criminalise or inhibit the telling of us being driven from our homes, or being denied basic human rights² in our own land, Palestine.

Suppression or denial of historical realities, including the colonisation of Palestine and the expulsion of the native Palestinians can only delay a just solution.

The Palestinian community in Scotland and its members must be free to describe the crimes to which we and our families have been subjected, because these crimes continue to the present day³.

That description cannot avoid identifying the collective perpetrator, i.e. the Zionist movement to colonise Palestine⁴ and the State of Israel which that movement created within living memory, nor the right of Palestinians anywhere to resist and end that colonisation.

There is evidence of numerous baseless allegations made on social media or broadcast against Palestinian activists on social media that they are calling for the killing of Jews⁵ or other serious hate crimes. Such accusations by the Zionist movement and its supporters are false and not based on any evidence.

The Independent Review of Hate Crime Legislation in Scotland has issued a consultation paper⁶ inviting submissions on the topic of 'Perceived associations of certain groups' (pp 26-27) with foreign states.

Our Palestinian community in Scotland has an extremely close relationship to a foreign state, the State of Israel. The State of Israel was founded by a violent process of ethnic cleansing of the majority⁷ of the Palestinian people; in that

process many of our families were driven from their homes, massacred, exiled to become refugees and stateless persons.

Palestinian refugees fled the conflict zones assuming they would return after the blood-letting had ended but have found their right to return to their homes denied. This right is enshrined in international law⁸ and was unanimously agreed⁹ by the UN as a condition for recognising the new State of Israel, which developed state structures based openly on the notion of institutionalized supremacy of Jews over native Palestinians¹⁰.

The State of Israel today continues its programme of ethnic cleansing¹¹. This works openly to reduce the numbers of Palestinians across the area of Historic Palestine, while increasing the numbers and proportion of Jews from across the world¹².

This process involves mass incarceration¹³, confiscation of property¹⁴ and periodic massacres¹⁵ of Palestinian refugees¹⁶. Our families are denied basic human rights in our native land¹⁷.

Although many of us are long-term residents of Scotland and fully integrated into the social fabric of this country, all of us feel the pain of exclusion from our homes or that we must submit to humiliating and capricious Israeli procedures¹⁸ to visit the reducing area¹⁹ where Palestinians are allowed to live in Palestine.

A fundamental freedom is surely to be able to speak openly as a community and as individuals of our lived experiences as a people, and to express our hopes for a future based on justice and freedom from state-enforced racial segregation, i.e. apartheid.²⁰

We should be free to inform our fellow Scots, and they should be free to hear and evaluate the truth of what we report; dispossession launched 100 years ago by a British government with the notorious Balfour Declaration, carried out by the pre-1948 Zionist movement and accelerated by the State which that movement created on the ruins of most of Palestine²¹, including on the ruins of some of our homes, in 1948.

Each Palestinian living in Scotland, as elsewhere, shares in the agony and vulnerability of our friends and relatives in refugee camps spread across the Middle East because they are refused their right to return to their homeland. We hear daily of gross violations of the human rights of those remaining under Israel's system of residential²², employment²³ and legal apartheid²⁴.

We know well that there are some who would silence our voices by claiming that our struggle for freedom is aimed at harming others. Nothing could be further from the truth; the Palestinian community in Scotland joins its voice to our national demand for equality, justice and freedom for all.

The occupying power of our Palestinian land has committed the worst crimes against humanity in the past 70 years until now without any prosecution of the perpetrators for those crimes. And now, pro-Israel campaigners in Scotland are asking that even our verbal condemnation of those actions and our calls for equality and peace in Palestine is to be criminalized.

There are three demands in the Boycott, Divestment and Sanctions (BDS) Call²⁵ from virtually every institution of Palestinian civil society, in the occupied territories, Israel and in the diaspora.

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

The pro-Israel lobby in Scotland, steered by the Israeli Embassy²⁶, is attempting to criminalise the effort here by Scots who work for human rights through the democratic, non-violent campaign for BDS. The pro-Israel lobby is attempting to close down democratic critiques of Zionism²⁷, the ideology and movement that has long driven and is still driving the dispossession of our Palestinian people.

Palestinians in Scotland understand very well that the actions of the State of Israel are those of a settler-colonial state²⁸ and a political movement with origins in Europe. Palestinians reject the dangerous and racist notion that Jews in Scotland and around the world must have some sort of alignment with the State of Israel. This political claim denies the Jewish individual the right to reject the political ideology of Zionism and to oppose the sinister axiom of political Zionism that (s)he cannot live safely in Scotland or anywhere else outside Israel²⁹.

We oppose the efforts of the Israeli State and its supporters to implicate Scottish Jews in the crimes of the State of Israel. Palestinians and those who advocate for equality and justice for Palestinians are endlessly smeared by the pro-Israel lobby as being driven by a racist agenda.

Palestinians in Scotland oppose the adoption by the Scottish Government of the IHRA definition of anti-Semitism.

The IHRA wording is very confusing. Informed public discussion around it has significantly focussed on its potential to shield the State of Israel from criticism³⁰. Promoters of the IHRA definition would criminalise a view all Palestinians share, derived from our lived experience, that the "existence of the State of Israel is a racist endeavour", even though UN and other bodies have concluded after extensive study that which we consider to be obvious, that the Israeli State has central features based on state-enforced racism.

The IHRA definition also seeks to criminalise the political activity of "drawing comparisons of contemporary Israeli policy to that of the Nazis". But Albert Einstein, a Zionist who was once offered the Presidency of the State of Israel, was among the many who noticed early how the political movement that would later control the Israeli Government was "a political party closely akin in its organization, methods, political philosophy and social appeal to the [pre-Holocaust] Nazi and Fascist parties."³¹

Many of us have relatives or friends condemned to live in refugee camps, prevented from returning to their homes because they are Palestinians, while Jews from around the world are incentivised to take over our lands and homes even though the majority of them have no personal ties to Palestine whatsoever.

We have separate roads and streets in Palestine reserved for Jews only³². Land and homes in large areas of the land surface of 1948-67 may not be leased or sold to the more than one million Palestinian citizens of Israel³³. To have our opposition to Israel's state-enforced racism conflated with anti-Semitism is to criminalise our ideas, our feelings, and our knowledge.

The IHRA definition would add to the original violation of our rights a secondary denial of our rights to speak about those past and ongoing violations. This bogus definition should not be given any legal status within legislation or as guidance to any piece of legislation in Scotland.

Palestinians in Scotland must be free to tell their national history and their individual and family histories of being ethnically cleansed, dispossessed and driven from their land and farms and homes. We cannot describe how our human and national rights were violated and continue to be denied without being free to describe and analyse the aims and record of the violators as a collective militia, army, state and international movement.

We believe that Scottish legislation should not be changed to protect from criticism a foreign state that violates our basic human rights.

Yours Sincerely

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Notes

1. Masalha, Nur. *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought*, Washington: Institute for Palestine Studies, 1992.
- McDowall, David & Claire Palley. *The Palestinians*. Minority Rights Group Report no 24
- Pappé, Ilan. *Ten Myths about Israel, Myth: The Palestinians Voluntarily Left Their Homeland in 1948* at <https://www.versobooks.com/blogs/3212-myth-the-palestinians-voluntarily-left-their-homeland-in-1948>
2. Human Rights Watch <https://www.hrw.org/middle-east/n-africa/israel/palestine>
3. Amnesty International, *Israel and Occupied Palestinian Territories 2016/2017* <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>
4. "Zionism was anchored in European ethno-nationalism and colonialism and a modern and highly contingent interpretation of the Hebrew biblical traditions." <http://sro.sussex.ac.uk/43360/>
5. Dr Michael J Stewart at Church of Scotland 2017 General Assembly http://stream1.churchofscotland.org.uk/about_us/general_assembly/archive/joint_report_of_the_world_mission_council_and_church_and_society_council_2 (31m17s in)
6. https://consult.gov.scot/hate-crime/independent-review-of-hate-crime-legislation/user_uploads/final-paper-1.pdf
7. Levy, Gideon. Haaretz 12/05/2011 *Ethnic Cleansing of Palestinians, Or, Democratic Israel at Work* <https://www.haaretz.com/ethnic-cleansing-of-palestinians-or-democratic-israel-at-work-1.361196>
8. For example, 1966 International Covenant on Civil and Political Rights (ICCPR) "No one shall be arbitrarily deprived of the right to enter his own country."
9. <https://www.unrwa.org/content/resolution-194>
Resolution 194 lays down the Palestinians' right of return or compensation. Israel accepted that implementing 194 was a condition for UN membership.
10. Adalah, *The Discriminatory Laws Database* <https://www.adalah.org/en/content/view/7771>
11. Reuters 21/03/2014. UN rights investigator accuses Israel of 'ethnic cleansing' <https://uk.reuters.com/article/uk-palestinian-israel-un/u-n-rights-investigator-accuses-israel-of-ethnic-cleansing-idUKBREA2K1JM20140321>
12. Yiftachel, Oren. 'Ethnocracy': *The Politics of Judaizing Israel/Palestine* <http://onlinelibrary.wiley.com/doi/10.1111/1467-8675.00151/abstract>
- Salaymeh, Sarhan. *Israel's aim is to vacate and Judaize the land* <http://www.palestinereport.ps/article.php?article=271>
- Nasrasa, Mansour. *The Ongoing Judaisation of the Naqab and the Struggle for Recognising the Indigenous Rights of the Arab Bedouin People* <http://www.tandfonline.com/doi/abs/10.1080/2201473X.2012.10648827>
13. Adameer, Palestinian Prisoner Support and Human Rights Association
B'Tselem. *Statistics on Palestinians in the custody of the Israeli security forces* http://www.btselem.org/statistics/detainees_and_prisoners
14. Palestine Pulse 19/10/2016 *More Palestinian lands threatened with confiscation* <https://www.al-monitor.com/pulse/originals/2016/10/israel-confiscate-palestinian-lands-absentee-abandoned.html>
- Cohen, Hillel. *The Internal Refugees in the State of Israel: Israeli Citizens, Palestinian Refugees* Palestine-Israel Journal #58 <http://www.pij.org/details.php?id=159>
15. Haaretz 23/08/2014 *Holocaust Survivors Condemn Israel for 'Gaza Massacre,' Call for Boycott* <https://www.haaretz.com/israel-news/1.612072>
16. Two thirds of people living in Gaza are refugees from earlier waves of Israeli ethnic cleansing and their descendants. It's very likely the majority of those killed in Gaza mass killings, for example in 2008/9 and 2014 reflect that proportion. See UNRWA report <https://www.unrwa.org/where-we-work/gaza-strip>
17. *Annual report of the United Nations High Commissioner for Human Rights. Human rights situation in the Occupied Palestinian*

- Territory http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/A_HRC_34_38_AUV.docx
Institute for Middle East Understanding 28/09/2011 *Discrimination Against Palestinian Citizens of Israel*
<https://imeu.org/article/discrimination-against-palestinian-citizens-of-israel>
18. Middle East Eye 24/07/2017 *Israel's racist airport security routinely humiliates Arab women. I know*
<http://www.middleeasteye.net/columns/six-stars-israel-s-racist-airport-security-routinely-humiliates-women-762817858>
19. <https://visualizingpalestine.org/visuals/shrinking-palestine>
<https://muftah.org/a-map-with-memory/#.WhQt3lpGos>
20. "[T]his study finds that the State of Israel exercises control in the OPT with the purpose of maintaining a system of domination by Jews over Palestinians and that this system constitutes a breach of the prohibition of apartheid." Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law*
www.hsrc.ac.za/en/research-outputs/mtree-doc/8420
21. Khalidi, Walid. *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*
http://www.whale.to/c/all_that_remains.html
22. Human Sciences Research Council of South Africa, op. cit Ch 4, Part II F2, *Denial of the Right to Freedom of Residence*
23. Ibid, Ch 4, Part II F 5, *Denial of the Right to Work*
Institute for Middle East Understanding. op. cit
24. Association for civil Rights in Israel Oct 2014. *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*
<https://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf>
25. *Palestinian Civil Society Call for BDS* 09/07/2005 <https://bdsmovement.net/call>
26. A political training day in Glasgow in August 2015 organised by the Centre for Scotland-Israel Relations was addressed by a speaker from the Israeli Embassy, an Israeli Cabinet Minister and representatives of the SCOJeC (Scottish Council of Jewish Communities) and StandWithUs UK
<https://www.facebook.com/glasgowfoi/photos/a.1628055527430626.1073741827.1626972724205573/1663752183860960/?type=3&theater>
27. Why Israeli nationality is not permitted in Israel <http://mondoweiss.net/2013/10/recognize-nationality-endanger>
28. "Israel can best be explained by understanding Israel's occupation of Palestine as an exemplary settler colonial project..." Lloyd, David. *Settler Colonialism and the State of Exception: The Example of Palestine/Israel*
<http://www.tandfonline.com/doi/abs/10.1080/2201473X.2012.10648826?src=recsys>
29. *Netanyahu to French Jews: 'Israel is your home'* Times of Israel 10/01/2015
<https://www.timesofisrael.com/netanyahu-to-french-jews-israel-is-your-home/>
30. *Leading lawyer rounds on 'unclear and confusing' IHRA anti-Semitism definition*, Jewish News 03/04/2017
<http://jewishnews.timesofisrael.com/hugh-tomlinson-ihra/>
31. <http://users.physics.harvard.edu/~wilson/NYTimes1948.html>
32. Haaretz 10/09/2016 *Bisected by a Jews-only Road, a Palestinian Neighborhood in Hebron Is Dying*
<https://www.haaretz.com/israel-news/.premium-1.740971>
33. Adalah – The Legal Centre for Arab Minority Rights in Israel 28/01/2005 *AG agrees with Adalah: JNF policy is discrimination*
<https://www.adalah.org/en/content/view/6429>