

March 8, 2017.

To: Ms. Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission,
To: Mr. Carlos Moedas, Commissioner for Research, Science and Innovation,
Rue de la Loi, 200,
1049 Brussels.

Re: the EU Horizon 2020 "*Law-Train*" project.

Dear Ms. Mogherini, Dear Mr. Moedas,

Backed by 480 academics of all Belgian universities and 190 Belgian artists and cultural practitioners, we urged our national authorities to withdraw their partnership from the EU Horizon 2020 "*Law-Train*" project. Subsequently, we also have the honor to submit to your attention the objections that, we believe, must be raised against this project. We are well aware that we are neither the first nor the only ones to do so. In our special capacities, however, we feel we cannot stay aloof when the EU's ethical and moral standing in the world is at stake. Joining the opposition to the project from EU civil society, we compiled a dossier in order to underpin our objections: "*Why a partnership with the Israeli Police is indefensible*" (48 pages). Please find it herewith.

Summary: Among our objections to the project one is of a principal nature: viz. our objection to the presence on the partners' list of the Israeli Ministry of Public Security, esp. the National Police. The grave breaches of international law committed by the Ministry's departments have been denounced time and again by UN agencies as well as by human rights organizations. Together with the IDF and the Shin Bet, its operatives are guilty of an infinity of daily crimes of dispossession, destruction, arrest, killing and humiliation, at any given moment (we documented these crimes in chapters 4 and 5 of the dossier). Hence the Ministry's partnership in "*Law-Train*" deprives the project of its ethical and moral credibility, whatever the EC's ethics checks as to its internal procedures and professed objectives. The project making the EU complicit in serious human rights violations its funding by the EC should be stopped forthwith.

1. International Law. With Resolution 2334 the UN Security Council once more strongly condemned Israel's colonization policy for being "*a flagrant violation under international law*". In plain defiance of this resolution, Israel nonetheless responded by announcing the building of 6,000 more settlement units in the West Bank and East Jerusalem. In addition, the Knesset passed the so-called "*Regularization Bill*". It legalizes colonies built on privately owned Palestinian land, colonists being free from now on to take whatever they want. The international community in general and the European Union in particular got once more a slap in the face.

Israel's policies of dispossession of the land and the natural and human resources of the Palestinians together with its legalized systems of racial apartheid and oppression, are becoming more ugly every day.. This applies in particular to East Jerusalem which after its annexation in 1967 is being subjected to a continuous process of Judaization. Whilst living under the yoke of the Border Police, Palestinian Jerusalemites are treated as immigrants in their own city. Their houses are confiscated or demolished: 2016 alone saw more demolitions in East Jerusalem than any year since 1967. This policy is complemented by the continuous influx of new Jewish colonists. Recently, building permits have been approved for hundreds of Jewish houses in three East Jerusalem settlements, flouting once more international law. Not by accident, the heads of the EU's diplomatic missions in Jerusalem and Ramallah in their recent, confidential report sent to your office, warn that *"the situation in Jerusalem has never been so threatening since 1967."*

The transfer of Israel's national public institutions to the *"Arab"* part of Jerusalem serves the same purpose of changing its ethnic-religious and political status. It is the case, for example, with the establishment of the Israeli Ministry of Public Security and the Headquarters of the National Police, partners in *"Law-Train"*. The same goes for the Ministry of Science and Technology. In June 2014, nevertheless, your predecessor, Ms. Catherine Ashton, accepted to sign the EU-Israel R&D Association Agreement *"Horizon 2020"* jointly with the Israeli Minister of Science and Technology. Taking place in occupied East Jerusalem, this instance of diplomatic compliance to the occupying power had been made possible in advance by the 2013 EC *"Guidelines"* on EU funding instruments (paragraph 11b). It is far from clear to us how this exemption as to the place of establishment of Israeli national agencies could be consistent with the EC's professed *"position of principle"*, viz. *"that only entities and activities within Israel's pre-1967 borders are eligible for EU support"* (briefing document to Ms. Ashton of July 24, 2013). Paragraph 11(b), in our view, amounts to a violation of (at least the spirit of) the Fourth Geneva Convention (art. 49 and 64) as well as of numerous Security Council resolutions. E.g. resolution 465: *"all measures taken by Israel to change the physical character, composition, institutional structure or status of... Jerusalem... have no legal validity"*. The EC's *"flexibility"* when applying its high principles in the case of the Israeli State is remarkable, to say the least. (See our Dossier, Ch. 1)

2. The Israeli Police Forces. In order to enforce *"order"* and *"security"*, the Ministry of Public Security has at its disposal the Israeli Police services (amongst them the Border Police and the *Yoav Unit*, the latter being charged with the demolitions of Bedouin villages in the Negev) and the Israel Prison Service (IPS). They have been denounced time and again by UN agencies (e.g. its Committees against Torture and against Racism, UNICEF, a.o.) as well as by many international and Israeli and Palestinian human rights organizations. The unremitting misdemeanors of the Israeli police and security forces are a matter of major concern for all of them.

In their daily “*routine*”, indeed, of persecuting, kidnapping, imprisonment and interrogation of Palestinian men, women and children, police and security forces along with the occupation army are guilty of racism, arbitrary and excessive violence, abuse and torture, terrorizing, collective punishments and summary killings. The presence of the Ministry and its services (the Israeli Prison Service included) as participants in an European R&D project like “*Law-Train*” necessarily legitimizes and normalizes practices amounting to serious human rights violations. The facts themselves are extensively documented, hiding therefore behind “*ethical procedures*” that do not take into account the wider human rights context, is not an acceptable option. (see Chapters 4 and 5 of the Dossier).

3. “Dual Use”? The project’s aim is to optimize “*cross cultural*” interrogation skills for the benefit of the fight against international drug crimes. The EC informs us that “*mechanisms have been put in place to prevent that Horizon 2020 funds are used for activities that could be contrary to international law*”. The project itself “*is meant to improve the existing interrogation practices of the consortia members as it is based on investigative interviewing, and more particularly the PEACE-model ‘best practice method’, recommended by the United Nations as the best model to prevent mistreatment and coercion and to safeguard human rights*” (Mr. C.Moedas). However, the possibility that in the future methods and techniques obtained will be adapted and made applicable, one way or another, to coerced “*anti-terrorism*” interrogations of Palestinian political prisoners, cannot be excluded in advance. In view of the human rights record of the Ministry’s departments we believe mistrust is perfectly justified.

The suggestion though has been made that technical competences resulting from the project might bring about a more humane treatment of Palestinian prisoners (in 2016 they were almost 7,000, 536 of whom were being held under “*administrative detention*”, and some 400 minors). This hypothesis, however, fails to consider the ideological and political background of Israeli police and security “*routine*” offenses. This wider context being one of colonialism and institutionalized racism, harsh interrogation practices and even torture used against so-called “*security prisoners*” (minors included) do not merely aim (however misguidedly) at obtaining information and confessions. In fact, they are linked to other systematic malpractices, such as: humiliating and brutalizing people at checkpoints, terrorizing adults and children with night raids and unannounced army exercises, punishing them collectively, crippling youths by shooting them in the knee or limb, withholding the bodies of killed loved ones, forcing them to demolish their own homes, a “*shoot to kill*” policy, etc. They all are part of a conscious policy of keeping an occupied population into submission and stifling dissent or rebellion. At the same time, all kinds of violence are meant to be “*transfer-advocating*” (the Israeli journalist Amira Hass). I.e. making them “*live like dogs*” (Moshe Dayan, in 1967), this policy should finally induce the Palestinians to “*voluntarily*” leave “*Greater Israel*”. No wonder, for that reason, no initiatives have been reported from police or security operatives to humanize their interrogation methods and practices vis-à-vis the Palestinian population.

4. Institutionalized Racism and “Ethics”. The *“Ethical Guidelines and Procedures”* of *“Law-Train”* require *“that each partner respects the laws and regulations of the other participating partner countries”*, a requirement raised to being *“fundamental to the conduct of the project.”* However reasonable it may seem at first sight, there is a big problem here as far as the coordinating country is concerned. Inter alia the UN Committee for the Elimination of Racial Discrimination (CERD), indeed, concluded that racial or ethnic-religious discrimination against *“non-Jewish”* citizens is deeply rooted in Israel’s legislation and juridical system. Adalah (The Legal Center for Arab Minority Rights in Israel), also, lists more than 60 *“discriminatory laws”* enshrining the unequal treatment of *“non-Jews”*. While the requirement of *“respect”* is also applicable to Israel’s own *“laws and regulations”*, the project’s *“Ethical Guidelines”* actually deny its partners their right to freedom of opinion and expression in the face of documented malpractices. Their consent being silently implied, European partners are made complicit in Israeli policies violating international law.

The *“ethics checks”* of the project before its implementation have been performed by the European Commission and the Belgian Catholic University Leuven. Currently, we are informed, *“ethical aspects are constantly monitored by a specially-designated external ethics director [i.e. dr. Dr. Galit Nahari of the same Bar-Ilan University] who reviews all the deliverables and by regular technical reviews run by external independent experts”* (Mr. C.Moedas). These checks, we understand, apply (1) to the *“ethics of research”* of the project: in the case of *“Law-Train”* e.g. the deontological issues at stake in the relationship between researcher and interviewee; (2) to the *“ethics of content”*, i.e. its professed objectives and societal implications. We have no problems, here.

However, the *partners* of the project clearly have not been subjected to an ethics check. What is more, in the case of a project focused on policing techniques, a *fundamental* ethical evaluation is only achievable if the project is confronted with the wider, institutional, political and ideological context of the country in which it is launched and coordinated. In the case of *“Law-Train”*, a policing project coordinated and checked by an Israeli university having close ties with the Israeli Security Agency (the Shin Bet) and partnered by the Israeli Police, the wider context is one of daily police misdemeanors and, more generally, of racist oppression and dehumanization of a native population. The presence, for that reason, of the Israeli Ministry of Public Security and its police among its partners deprives *“Law-Train”* of all ethical and moral credibility. (See Ch. 2)

5. EU “Dialogues”. We are deeply concerned about the inhumane living conditions imposed on the Palestinian people since 70 years. Being essential to what the Israeli journalist Amira Hass calls Israel's *“policies of cruelty”*, the crimes of Israel’s police and security forces have a crushing impact on the life of their victims. It is true that the EC claims that on the basis of *“a wide-ranging mutually beneficial cooperation”* (i.e. not on the basis of the binding rules of international law) the EU *“engages in regular dialogue with Israel on issues relating to human rights”*. Those dialogues, we are informed,

“address a number of sometimes difficult human rights concerns”, regularly urging Israel to take measures “to prevent and address possible cases of torture and abuse” (Ms. F.Mogherini). One should consider though the facts on the ground. They tell us that for so many decades dialogue and engagement with the Israeli State in reality have been to no avail, did not have any impact. Violence, ill-treatment and abuses, torture (of children as well), oppression and dispossession, it all goes on and on, or better: it gets worse and worse. The same, for that matter, has been the case with the “peace process”: all the “peace talks” and the entirety of the “process”, even when it was in its zenith, rarely, if ever, slowed down the Israeli bulldozers or ended the unceasing ethnic cleansing of the Palestinians. Not for nothing, a book by a British writer is entitled “Disappearing Palestine”.

Confronted with Israel’s manifest disdain for international law and continuing serious human rights violations, EU policymakers nevertheless persist in pursuing a strategy that has long been proven bankrupt. Because of giving priority to their mutual economic, scientific and other advantages and refusing to put any *real* pressure on the Israeli governments, in public or in private, the EU against its better judgment stays committed to this failed strategy. To persist with it, though, boils down to Einstein's idea of madness: to persist in doing the same and await different results.

The facts on the ground, indeed, allow only one honest conclusion: on the part of the Israeli political leaders dialogue and engagement were never more than a charade allowing them to continue violating the rules of international law and basic human rights, against everything and everyone. In the light of these facts, we, Europeans, priding ourselves on our *“fundamental ethical principles”* (summarized in Art. 2 of the EU-Israel Association Agreement and being called *“an essential element”* of the agreement) while maintaining in practice an unconditional, *“special”* and *“close”* relationship with the Israeli State, are inevitably (and not without reason) viewed as hypocrites by the rest of the world. At the same time, it should not surprise us that the EU loses its moral credibility in the eyes of more and more European citizens.

Conclusion. Ms. Mogherini, Mr. Moedas, the presence of the Israeli Ministry of Public Security, with the Israeli police, in an EU R&D program is indefensible, legally, ethically and morally. We urge the European Commission, for that reason, to stop forthwith funding the compromised *“Law-Train”* project. This courageous decision would signal to Israel’s politicians and its public opinion that the EU effectively does no longer tolerate that the fundamental rights of the Palestinian people to a dignified life, equality, freedom and justice, continue to be willfully trampled upon. US policy taking an unpredictable turn nowadays, enforcement of the rules of international law is more than ever an European responsibility. The time for rhetoric - speeches, admonishments, concerns, warnings and even threats – and for ambiguity is long gone. All too long, indeed, the EU used *“to make symbolic gestures or declarations which don’t change facts on the ground”* (Prof. Shlomo Avineri). Concrete action is needed now, urgently, because *“every*

additional day in which the occupation continues to exist is a day in which additional crimes are committed” (the Israeli journalist Gideon Levy).

A halt must be called to the injustices of which Palestinian children, women and men are victim day in day out. Wishing to make a contribution, however modestly, we drafted a detailed dossier. It is attached to this letter, but it can be also read online:

http://www.bacbi.be/pdf/lawtraindossier_EN.pdf .

Thanking you for your attention and hoping for a favorable response to our aspirations, we remain

yours sincerely,

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[List of 480 academic endorsers and 190 cultural endorsers]