



Australian Government

Department of Foreign Affairs and Trade

Deputy Secretary Ric Wells

Visit to Israel

14 May 2015

Table of Contents

s 22(1)(a)(ii)

UN and Multilateral Issues

30

s 22(1)(a)(ii)

UN and Multilateral Issues

- . Welcome Israel's continued engagement with the **Human Rights Council**, including the Universal Periodic Review Process.
- . Australia recognises the unbalanced nature of the HRC's focus on Israel and does not as matter of principle participate in Item 7 debates [which relate to Israel and the Palestinian Territories].
- . How does Israel plan on responding to the Commission of Inquiry into the Gaza Conflict?

s 22(1)(a)(ii)

- . Australia maintains an ongoing interest in the treatment of **Palestinian minors** in Israeli detention
 - encourage ongoing reforms and proper implementation of those reforms already made, including most recently in 2013 and 2014.

s 22(1)(a)(ii)

Background

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Palestinian minors in detention

There has been strong domestic and international interest in the treatment of Palestinian minors in Israeli detention, following the publication of a UNICEF report, *Children In Israeli Military Detention (March 2013)*. In November 2014, Israel's Foreign and Justice Ministries advised our Embassy s 33(b)

Israeli officials confirmed s 33(b)

On 13 February 2015, a UNICEF update to an earlier report claimed that "reports of alleged ill-treatment of children during arrest, transfer, interrogation and detention had not significantly decreased in 2013 and 2014".

s 22(1)(a)(ii)

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Title: Israel: Roundtable on 'Palestinian Minors and the Military Justice System in the West Bank'
MRN: s 22(1)(a)(ii) 29/05/2015 11:34:25 AM ZE2
To: Canberra
Cc: s 22(1)(a)(ii)

From: Tel Aviv
From File:
EDRMS
Files:
References: s 22(1)(a)(ii)
Response: Routine, Information Only

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Summary

We have reiterated to Israel Australia's ongoing interest in, and concerns over, security and judicial practices towards Palestinian minors in the West Bank at a recent roundtable hosted by Israel's MFA. s 33(b), s 33(a)(iii)

s 33(b), s 33(a)(iii)

pp. 6-7 exempt in full -
s 33(a)(iii), s 33(b)

REDACTED

s.33(a)(iii), s.33(b)

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Title: Israel: Meeting with Coordinator of Government Activities in the Territories
MRN: s 22(1)(a)(ii) 09/06/2015 12:39:02 PM ZE2
To: Canberra
Cc: s 22(1)(a)(ii)
From: Ramallah
From File:
EDRMS Files:
References: The cable has the following attachment/s -
s 33(b)
Response: Routine, Information Only

~~CONFIDENTIAL~~

Summary

s 33(b), s 33(a)(iii)

s 33(b), s 33(a)(iii)

s 33(a)(iii), s 33(b)

REDACTED

s.33(a)(iii), s.33(b)

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Title: Palestinian Territories: Visit to Susiya
MRN: s 22(1)(a)(ii) 23/07/2015 05:02:12 PM ZE2
To: Canberra
Cc: s 22(1)(a)(ii)

From: Ramallah

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)
 The cable has the following attachment/s -
 Susiya map.pdf
 32273138.docx
 63351819.docx

Response: Routine, Information Only

Summary

During a visit to Susiya, Post spoke with community leaders about the possible demolition of structures in the village and inspected Australian-funded projects slated for demolition. There are conflicting reports about when the demolitions are likely to take place, but community leaders believe residents could be evicted at any time. There has been a strong international reaction to the possible demolitions in Susiya, and the Palestinian leadership has been outspoken in its opposition to the planned demolitions. Australian media was present during our visit to Susiya.

On 22 July, we (s 22(1)(a)(ii)) visited the community of Susiya in the south of the West Bank. As reported in reflets, structures in the village are subject to demolition orders issued by the Israel Defence Force (IDF). Among the structures slated for demolition are two tents constructed with Australian Government funds. The visit was organised in coordination with ActionAid, the Australian NGO that implemented the projects in Susiya through the Australian NGO Cooperation Program (ANCP).

2. Susiya is located in Area C of the West Bank and as such falls under full Israeli jurisdiction. The village has 350 residents who live in tents and rely mainly on livestock herding as their main source of income. In the past three decades, the residents of Susiya have been expelled from their land twice, once in 1986 and again in 2001. Each time they were expelled, they re-established their community on nearby land. Given that Susiya is located outside of the Palestinian Authority's jurisdiction, residents are unable to access services from the PA, although some of the children attend PA schools in neighbouring towns. Israel administers the areas under its jurisdiction through the Coordinator of Government Activities in the Territories (COGAT), a unit within the IDF.

3. The status of the Susiya community has been subject to long-running litigation in the Israeli legal system. All the structures in the village – almost exclusively tents – were built without the necessary planning permits from COGAT, and according to the Israeli

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authorities, the community is illegal. The Israeli human rights group, Rabbis for Human Rights, has represented the community on a *pro bono* basis and over the years numerous aid groups have provided humanitarian assistance to support the community. s 33(a)(iii)

4. As reported in s 22(1)(a)(ii) Susiya residents have been concerned about the demolition of structures since early May when the Israeli High Court rejected an interim order aimed at stopping the implementation of demolition orders in the village. During Ramadan, COGAT officials visited the community advising that the demolitions could proceed at anytime after the Eid Al-Fitr holiday, which ended on 20 July. During our visit, s 47F(1)

s.47F(1) told us the demolition of the village could happen at any time. There were conflicting reports about whether COGAT would proceed with the demolitions ahead of the 3 August appeal hearing on the community's master plan. s 47F(1) said the council has prepared temporary accommodation in preparation for the demolitions, and the residents were adamant that in the event they were evicted from their land, they would rebuild nearby.

5. According to COGAT, s 33(b)

Susiya residents note that COGAT wants to move the village from its current location to allow for the expansion of the nearby Israeli settlement (also named Susiya). s 47F(1)

s 22(1)(a)(ii) thanked us for the support Australia provided the community through ActionAid. Australian funds had been used to build two key structures housing a pre-school and a clinic (a doctor from Hebron comes to the community one day per week). Both of the structures were built in 2011 and were currently subject to demolition orders. ActionAid also used ANCP funding to build four water wells in the hills around the community. Without a reliable water supply, these wells were vital assets to Susiya's residents (when the wells dried up in late summer, the community becomes entirely reliant on trucked water).

7. There have been numerous visits to Susiya by members of the Ramallah and Jerusalem-based diplomatic community in recent weeks. s.33(a)(iii) visited the village and afterwards issued a statement noting the US urged that the demolitions not proceed. An EU delegation also visited Susiya on 22 July, and the UK Consul-General Alastair McPhail was quoted in the press as saying the demolitions in Susiya would cause great suffering to ordinary Palestinians and would be harmful to the peace process.

8. The Palestinian leadership has also been outspoken in opposition to the slated demolitions in Susiya. The newly-appointed Secretary-General of the PLO, Saeb Erekat, issued a statement (attached) criticising the practice of moving Palestinian communities to allow for the expansion of Israeli settlements. Mustafa Barghouthi, PLO Executive Council member,

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also published an op-ed piece calling on the international community to provide protection to Susiya's residents.

s 22(1)(a)(ii)

10. Further to taskings 22(1)(a)(ii) Tel Aviv will renew Australian representations to the Israeli authorities regarding the possible demolitions in Susiya during a meeting with the Israeli MFA on 27 July.

text ends

s 22(1)(a)(ii)

The international community must do more to safeguard Palestinian rights

As Palestine is calling on the world to stop the demolition of Sussia, now is a good time to reflect on international inaction regarding Israel's illegal annexation wall.

By [Mustafa Barghouti](#) | Jul. 22, 2015 | 10:41 AM

At a moment when Palestine is calling upon the world to stop the demolition of the village of Sussia, near Hebron, it is important to remind the international community of its responsibility under international law. Eleven years ago, the International Court of Justice issued an opinion on Israel's annexation wall that clarified the role that states should play in ending Israeli violations of Palestinian rights, including the right to self-determination.

Palestine went to the ICJ at the time, asking that court to rule on the illegality and consequences of the wall, which was then a new development. The court's conclusions were clear: The wall is designed to annex Palestinian land, its route is unnecessary for Israel's security and Israel has the obligation to dismantle the wall and compensate the Palestinians affected by it.

Yet 11 years later, the Israeli annexation wall has expanded. In the meanwhile, it has brought devastating social, economic and political consequences for the Palestinian people. Some 85% of the wall is not built along the Green Line, the designated border between Israel and the West Bank, but on occupied Palestinian land, going as deep as 22 kilometers inside the occupied West Bank. Its goal is to turn occupation into annexation, including the areas in and around Occupied East Jerusalem.

Regarding the role of the international community, the ICJ concluded that all states are obliged not to recognize the illegal status quo resulting from the construction of the wall. Additionally they must assist in preventing this crime. But what has been the international response? Unfortunately, the wall and the illegal situation it maintains persist: Building and expansion of settlements continues with impunity, and several companies operate inside occupied Palestinian territory that Israel aims to annex via the wall.

The PLO's current strategy of turning to international forums, including joining the Geneva Convention and the International Criminal Court, is an attempt to achieve overdue inalienable Palestinian rights by ending Israel's culture of impunity. The ICJ wall opinion is a good example of Israel's disregard for international law. There has been no significant change in the relations between the world and Israel since that legal opinion was issued, even though Israel continued to build the annexation wall, settlements and other colonial infrastructure following the ruling. Even though the 2004 opinion has yet to be enforced, we will continue reminding the international community of its responsibility.

Between 2004 and 2015, the number of Israeli settlers in occupied Palestine has grown from 421,000 settlers to more than 600,000, according to the PLO Negotiation Affairs Department's data, yet the EU -Israel Association Agreement, which is the legal basis for relations between the two side and conditions these relations on progress in the political track and respect for human rights, has not even been questioned by the European community. Every single European official I've met has told me that Israeli Prime Minister Benjamin Netanyahu does not want a solution. Each time, I've asked what they are planning to do. Their lack of a concrete response is fuel for the almost 11,000 settler attacks against Palestinians committed since 2004, according to Palestine Monitoring Group data, and the continued construction of a wall that snakes into Palestinian land, dividing between Palestinians.

The extremist Israeli government still counts on the fact that nobody is going to take effective action against Israel for its crimes in Palestine. And unfortunately, various statements calling upon "the parties" to "resume negotiations" rather than holding the belligerent occupying power accountable for its ongoing crimes, give Palestinians even more reason to be

skeptical about the “peace process.” It has been proven to be a means to granting impunity to Israel rather than a means to a just and lasting peace.

The Palestinian people responded to the annexation wall with popular committees organizing communities against the Wall. Names of villages that were not familiar to many - such as Bil'in and Nil'in -- became famous for their steadfastness. From Cremisan to Burin, Palestinians from all social spectrums challenged the annexation of their land with non-violent creativity that brought solidarity from international civil society. Those brave actions were a concrete response to Israeli violence and violations of international law as stated in the ICJ opinion, yet most of the international community is still debating whether Israeli settlement products should be labeled.

Is this the response that the region's main non-violent movement deserves? Lack of diplomatic action leading to concrete steps such as the overdue recognition of the State of Palestine and the banning of settlement products will only produce more despair for a people peacefully struggling for their internationally recognized rights.

The ICJ opinion reaffirms the fact that to support and fulfill the Palestinian right to self-determination is an obligation for each state to uphold under international law.

Dr. Mustafa Barghouti is a member of the PLO Executive Committee, the Higher National Committee for the ICC and is the Secretary General of the Palestinian National Initiative (Al Mubadara).

**State of Palestine
Palestine Liberation Organization
Negotiations Affairs Department**

July 22, 2015

**Statement by Dr. Saeb Erekat on recent Israeli plans to displace
Palestinians and expand illegal settlements**

Israel has systematically pursued a policy of forcible transfer of civilian Palestinian populations, which is a crime against humanity under International law, and in the process has replaced the indigenous Palestinian population with foreign settlers—throughout Occupied Palestine. In particular, this policy has drastically affected Jerusalem, the Jordan Valley and the southern Hebron region. Some of the most dramatic examples of such policies can be seen in the villages of Abu Nawar and Susiya, in Jerusalem and Hebron respectively. Just today, Israeli forces uprooted 400 olive trees from the village of Beit Ula in the Hebron District.

The forcible transfer of Palestinians continues as Israel is preparing to announce further settlement construction in the illegal settlements of Beit El, Ma'ale Adumim, Giv'at Ze'ev, Psagot, Beit Arich and Giv'on, all of them located between Nablus and Jerusalem. In total, these illegal settlements will amount to 906 new housing units, to accommodate approximately 4,500 new settlers in Occupied Palestine at the expense of the Palestinian community whose land these settlers will occupy. These housing units could not be approved without the impunity the international community has granted Israel.

The ethnic cleansing of Palestinians through settlement construction continues as the international community fails to take concrete steps in order to hold Israel accountable for its violations of international law. Israel, the occupying power, systematically ignores all calls made to stop its violations and crimes, particularly those calls made by the European community. The international community has a responsibility to ban settlement products and divest from all companies and organizations complicit in the Israeli settlement enterprise.

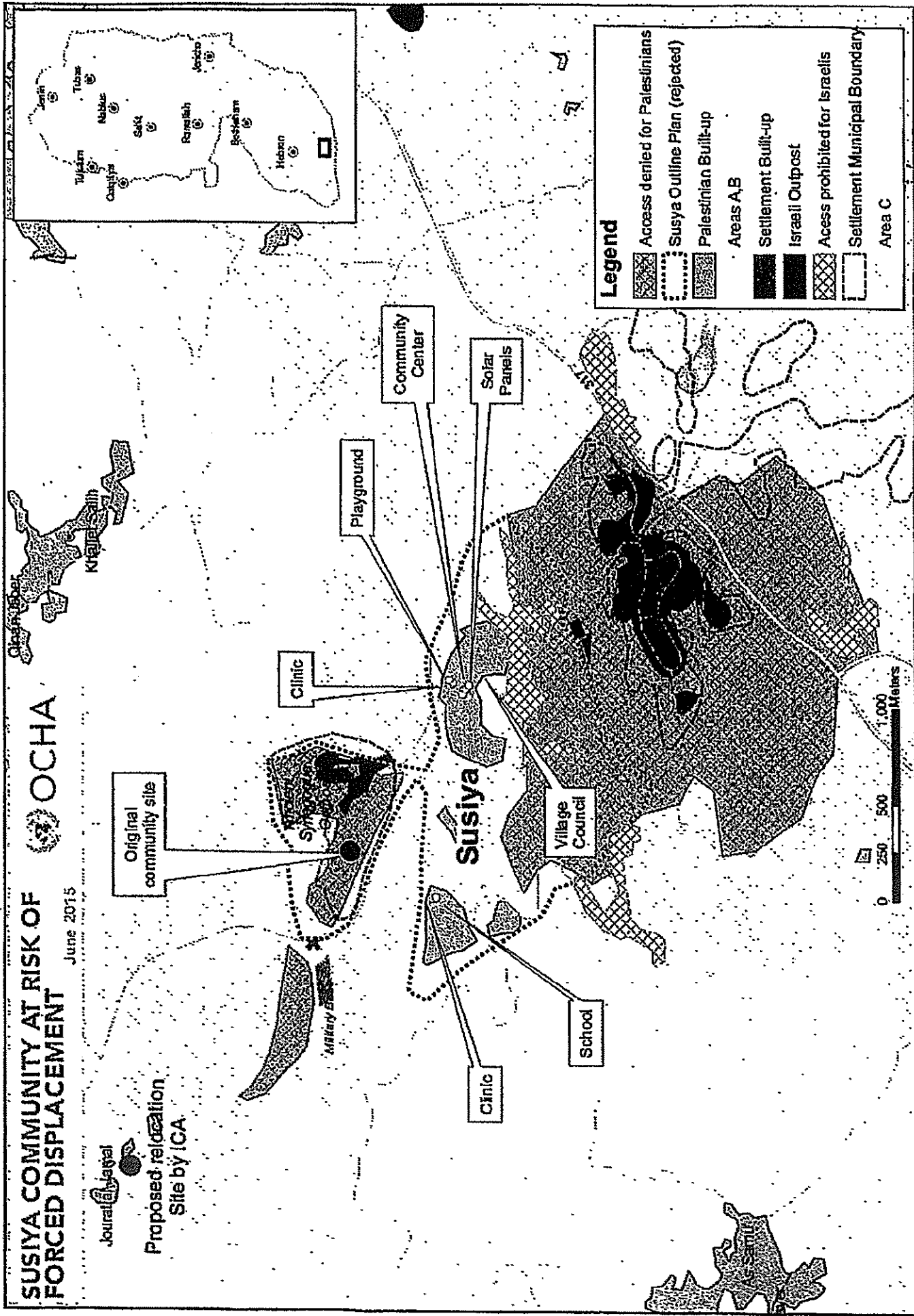
The Palestinian leadership will continue taking the necessary steps within international forums, including cooperating with the International Criminal Court, in order to end Israeli crimes and achieve the long overdue inalienable rights of the Palestinian people.

SUSIYA COMMUNITY AT RISK OF FORCED DISPLACEMENT

June 2015



Proposed relocation Site by ICA



Legend

- Access denied for Palestinians
- Susya Outline Plan (rejected)
- Palestinian Built-up
- Areas A/B
- Settlement Built-up
- Israeli Outpost
- Access prohibited for Israelis
- Settlement Municipal Boundary
- Area C

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Title: Israel: Representations on Susiya Demolition Orders
MRN: s 22(1)(a)(ii) 29/07/2015 05:31:20 PM ZE2
To: Canberra
Cc: s 22(1)(a)(ii)

From: Tel Aviv

From File:

EDRMS

Files:

References: s 22(1)(a)(ii)
The cable has the following attachment/s -
s 33(b)

Response: Routine, Information Only

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Summary

Post met with Israel's MFA (s 33(a)(iii) Asia-Pacific Department) on 28 July to reiterate our concern over the IDF demolition orders against structures in Sysiya (which include two structures partially funded by Australia). Reinforcing representations made most recently by Deputy Secretary Wells on 14 May, we urged Israel to reconsider the demolition orders, noting that carrying them out would damage Israel's international standing and would likely attract significant adverse international attention. s 33(b), s 33(a)(iii)

text ends

s 22(1)(a)(ii)

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Title: Israel: Palestinian Territories: COGAT meeting on Susiya and security in PTs

MRN: s 22(1)(a)(ii) 14/08/2015 01:06:29 PM ZE2

To: Canberra

Cc: s 22(1)(a)(ii)

From: Tel Aviv

From File:

EDRMS Files:

References: s 22(1)(a)(ii)

Response: Routine, Information Only

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Summary

s 33(b), s 33(a)(iii)

On 12 August, Tel Aviv s.33(a)(iii), s.33(b) met with s.33(a)(iii), s.33(b) the Israeli Coordination of Government Activities in the Territories (COGAT) unit. COGAT sits within the Ministry of Defence and coordinates civilian issues between the Israeli Government, the IDF, international organisations, diplomatic missions and the Palestinian Authority s.33(a)(iii), s.33(b) COGAT facilitates access to Gaza, and controls the movement of people and goods in and out of Gaza and the West Bank. s.33(a)(iii), s.33(b) s.33(a)(iii), s.33(b)

Susiya

2. We reiterated the Australian Government's concern regarding the potential demolition of structures in the Palestinian village of Susiya, including two structures partially funded by Australia, and asked for an update on the situation s.33(a)(iii), s.33(b) s 33(b), s 33(a)(iii)

Duoma attack

4. We asked for an update on the Duoma attack s.33(a)(iii), s.33(b)
likely consequences for security in the West Bank. s.33(a)(iii), s.33(b)
s.33(a)(iii), s.33(b)

and

MEDIA TALKING POINTS
DISTRIBUTION: STANDARD**Topic: POLITICAL-ECONOMIC****Originating Division: MAD****Subject: Middle East: violence: Israel and the Palestinian Territories****Version Date: 14/10/2015****Reason for Update:** Change to the travel advice
for Jerusalem**Version: 2****Cleared: Yes****Expiry: 12/01/2016****Talking Points**

- Deeply concerned by the violence in Jerusalem and the West Bank
 - deaths and injuries on both sides underscore the human cost of the ongoing conflict.
- Condemn the widespread terror attacks being perpetrated against civilians.
- Urge Israeli security forces to behave with restraint and to minimise civilian casualties when responding to incidents of unrest and protest activity.
- Stress the importance of maintaining the status quo on the Temple Mount/Haram al-Sharif and welcome Israeli commitment to this effect.
- The violence underlines the importance of a return to negotiations toward a two-state solution so an enduring peace can be found.
 - the Government is committed to a future where Israel and a Palestinian state exist side-by-side in peace and security within internationally recognised borders.
- Call on both sides to refrain from provocative actions and statements that undermine prospects for peace.
- *The Department of Foreign Affairs and Trade has reviewed its travel advice and now advises Australians to reconsider their need to travel to Jerusalem. Advice for other parts of Israel and the Palestinian Territories remain unchanged*
 - *this advice remains under close review.*

Any use or disclosure of personal information about individuals and the incidents contained in this background should not be made public. To do so may constitute a breach of the Privacy Act 1988 (Cth).

Background

A wave of violence in Israel and the Palestinian Territories in recent weeks has led to deaths of Israelis and Palestinians and some speculation that a 'third intifada' of Palestinian uprising is underway. While those claims are overstated at this stage, there is risk of further escalation. *Since 1 October there have been 7 Israeli and more than 29 Palestinian deaths resulting from the unrest.*

The Travel advice has been increased for Jerusalem to 'reconsider your need to travel'. The travel advice for other areas remains unchanged as: 'exercise a high degree of caution' for Israel overall: 'reconsider your need to travel' for the West Bank and all parts of the Golan Heights east of Route 98 and within 5 kilometres of the Gaza Strip; and 'do not travel' to the Gaza Strip. This advice remains under close review.

Violence at Temple Mount/Haram al Sharif escalated in mid-September when Israeli police entered the compound to prevent possible attacks on Israeli visitors over the Jewish High Holidays. Violent incidents have since spread to other parts of Jerusalem as well as the West Bank, Israel-proper (such as Jaffa in Tel Aviv) and the perimeter of the Gaza Strip.

A string of knife attacks have killed two Israelis and injured others. Rockets have been fired from Gaza for the first time since the 2014 Gaza war and there has been one attempted suicide bombing (at a checkpoint between Jerusalem and an Israeli settlement). Palestinian Islamic Jihad has taken responsibility for one fatal stabbing but many attacks appear to be the actions of lone Palestinian individuals.

In an effort to calm the situation, Israeli Prime Minister Netanyahu has barred all Ministers and Knesset Members from visiting Temple Mount, and said that there will not be new settlement announcements for the time being. He has, however, announced further security measures including administrative detention (without trial) and expediting the demolition of terror suspects' homes.

Palestinians remain angered by the 30 July burning by Jewish extremists of a Palestinian home that led to the deaths of an eighteen-month old and his parents. Prime Minister Netanyahu condemned the attacks and said that the perpetrators would be brought to justice, although that has yet to occur.

The past several days have seen terrorist attacks, clashes and general unrest continue.

Three Israelis were killed in Jerusalem and over twenty wounded, with several Palestinian assailants shot dead on Tuesday (13 October). There were three separate stabbing incidents in the Old City of Jerusalem on Monday (12 October), resulting in at least four Israelis wounded and two Palestinian assailants killed. Another stabbing and vehicular attack occurred on Sunday (11 October) in the lower Galilee (ie Israel proper), wounding four. In Israel proper there was rioting in Arab towns such as Nazareth and Umm al-Fahm over the weekend and the Arab Higher Monitoring Committee has called for a general strike of all Israeli Arab sectors on 13 October.

There has also been further unrest in Gaza. Protest marches towards the security fence led to further clashes with the IDF, resulting in the death of two Palestinians. ^{s.22(1)(a)(ii)}

s.22(1)(a)(ii)

Retaliatory air strikes from the IDF reportedly killed two Gazans. There was also significant unrest in Arab Israeli towns, such as Ramle and Nazareth.

Handling Notes

Media Interest

The change in travel advice is likely to attract media attention.

Approval	
Consultation	CCD

s 22(1)(a)(ii)

Senate Foreign Affairs, Defence and Trade Legislation Committee
Supplementary Budget Estimates 2015, 22 October 2015

QUESTIONS ON NOTICE/IN WRITING

Question No 155

Program: DFAT

Topic: Israel-Palestine

Question in Writing

Senator Xenophon

Question

1. According to the latest figures released by the Israeli Prison Service, 48 per cent of Palestinian minors prosecuted in Israeli military courts were transferred to prisons inside Israel in violation of Article 76 of the Fourth Geneva Convention.

2. Given that the transfer of prisoners out of the West Bank amounts to a war crime, what representations has the Government made to its Israeli counterpart regarding this violation of international law?

Answer

The Government has not made representations to Israel expressing a view on international legal aspects of the movement of detainees. However, the Government has publicly expressed its concern about allegations of mistreatment of Palestinian minors in detention. The Australian Embassy in Israel raises our concerns about Israel's security and judicial practices toward Palestinian minors with the Israeli Minister of Foreign Affairs and Ministry of Justice. We raised this issue and our ongoing interest most recently on 14 October 2015. DFAT has also raised Australia's concerns about this issue with the Israeli Embassy in Canberra.