

Position Paper: Seeking Justice for Mohammad El Halabi (Canada version)

Mohammad El Halabi is the Gaza program director for World Vision. He was detained by Israel in August 2016 based on allegations that he was diverting money from World Vision to Hamas for terrorism purposes. Despite a lack of evidence and strong indications that the accusations against him are fraudulent, Israel has kept El Halabi in detention over four and a half years. El Halabi has endured torture, the lack of a fair trial, and over 155 court appearances as he awaits a verdict. See CJPME Foundation's Factsheet "The Sham Accusations Against Mohammad El Halabi" for more background information on the case.

- A. Canada should call for Mohammad El Halabi's immediate release from Israeli detention.** The case against El Halabi strains all credibility. Forensic audits commissioned by World Vision and the Australian government found no evidence of a diversion of funds. And World Vision's entire operating budget for Gaza was less than half of what Israel alleges El Halabi embezzled. In the absence of a fair trial, Canada must echo United Nations experts in calling for El Halabi's immediate release.
- B. Canada should call on Israel to compensate El Halabi for his unjust imprisonment.**
1. Israel owes compensation to El Halabi and his family, including his five children, who have had to deal with this ordeal for almost five years. Israel must also compensate El Halabi for the torture and abuse he experienced under detention.
 2. Israel owes compensation to World Vision, which froze operations in Gaza and laid off 120 staff following El Halabi's arrest. Israel must also compensate World Vision for its defamatory accusations against the charity which included a smear campaign targeting international donors.
- C. Canada should insist on an investigation of the El Halabi case.** UN experts have said that the "arrest, interrogation and trial [of El Halabi] is not worthy of a democratic state." The circumstances of El Halabi's case are shocking, but the problems are systemic to Israel's treatment of Palestinian detainees. An international investigation will shed important light on Israeli military courts which have a 99.74% conviction rate of Palestinians. It will also help to explain why, after almost five years and more than 155 court appearances, El Halabi has still not had a verdict.
1. Such an investigation must be independent and international, with the participation of Israeli and Palestinian human rights organizations including B'Tselem, Al Haq, and Addameer.
 2. The investigation should explore Israel's alleged mistreatment of detainees, including:
 - i. The application of the above practices to children as young as twelve years old.
 - ii. The over-reliance on coerced confessions and plea bargains, which compel detainees to "confess" to crimes they did not commit, which contributes to a conviction rate of almost 100%.
 - iii. The practice of "administrative detention," or the indefinite detention of Palestinians without charge or trial, often based on "secret" evidence that is not shared with the accused nor their legal team.
 - iv. The use of torture, including solitary confinement, sleep deprivation, beatings, and other measures.
- D. Canada should act on allegations of Israel's use of torture against detainees.** The Canadian government has formally committed itself to avoiding complicity in torture. According to ministerial direction given to Global Affairs Canada (GAC) in 2017, all "arrangements" with foreign entities are to be "restricted if it is assessed by [GAC] that a foreign partner is engaging in, or contributing to, mistreatment," which is here defined as "torture or other cruel, inhuman, or degrading treatment or

punishment.”¹ Canada therefore has an obligation to restrict any partnerships with Israeli agencies that are found to engage in torture.

1. Pending the investigation into Israeli detention practices as outlined above, Canada could freeze any and all military and security cooperation with Israel in order to discourage Israel’s continued mistreatment of Palestinian detainees.
2. Should the above investigation affirm the accusations of torture at the hands of Israeli authorities, the freeze on military and security cooperation should be made permanent. As such, the Canada-Israel Strategic Partnership -- Memorandum of Understanding should be terminated.

E. Canada must take action to protect the humanitarian sector serving Palestinians. As the occupying power, Israel is responsible for the well-being of the civilian population in the Palestinian territories. The humanitarian sector serving Palestinians – compensating for Israel’s failure to live up to its legal commitments – has been dealt a severe blow by Israel’s actions against El Halabi and World Vision. Canada can play a role in protecting the rights of aid workers from Israeli interference by:

1. Warning Israeli authorities against taking any action taken against humanitarian workers in Gaza.
2. Monitoring the situation in Gaza and the obstacles and threats faced by humanitarian workers under Israeli occupation.
3. Expressing its support for the International Criminal Court investigation into alleged war crimes in Gaza, the West Bank, and East Jerusalem.
4. Highlighting the role of Israel’s occupation and siege as the primary contributor to the humanitarian crisis in Gaza, and restricting its bilateral relationships with Israel until the occupation and siege have ended.

For more information...

For more information, please consult the CJPME Foundation Website (www.cjpmefoundation.org).

¹ Government of Canada, “Ministerial direction to Global Affairs Canada: Avoiding complicity in mistreatment by foreign entities,” December 14, 2017, https://www.international.gc.ca/gac-amc/publications/transparence-transparence/ministerial_directions-instructions_du_ministre.aspx?lang=eng.