

Khaled Mouammar 's Complaint re Ontario Provincial Police's trip to Israel

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For background see also complaint filed by the Niagara Palestinian Association: :
<http://www.montrealmuslimnews.net/policecomplaint.htm>

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Staff Sergeant Dave Woodhouse
Professional Standards Bureau
Ontario Provincial Police (OPP)
777 Memorial Avenue
1st Floor
Orillia, Ontario
L3V 7V3

Dear Mr. Woodhouse,

I wish to file a formal policy complaint against Gwen Marie Boniface, OPP Commissioner, and Maurice Pilon, OPP Deputy Commissioner Investigations & Organized Crime, for participating in a police trip to Israel in March 2005; and against the Ontario Provincial Police (OPP) for allowing the participation of both of these OPP officials in that trip.

The one week police trip to Israel was initiated by the highly politicized Bernie Farber, National Chief Executive Officer, Canadian Jewish Congress¹. It was co-chaired by the following people:

- Chief Armand La Barge, York Regional Police Service, First Vice President **Ontario Association of Chiefs of Police** (OACP) and now President of OACP
- Joel Richler, Chair of the **Canadian Jewish Congress Ontario Region**
- Minister Monte Kwinter, **Ontario Ministry of Community Safety and Correctional Services**, Ministry of the Solicitor General.

The trip was paid for by pro-Zionist, pro-Israeli lobby groups - the **Canadian Jewish Congress Ontario Region (CJCOR)**, the **United Jewish Appeal Federation of Greater Toronto (UJAFGT)**, - and by the **Israeli government**, the **Israeli Ministry of Tourism**, El Al Airlines, various Israeli hotels, and unbelievably by the **Canadian taxpayer !!**

What Commissioner Boniface and Deputy Commissioner Pilon failed to see is that by their simple presence, they were lending the good name and reputation of the OPP to the Israeli government's security apparatus – not something that should be done lightly. By allowing themselves to be used by the Israeli government's sophisticated propaganda machine they also helped legitimize Israel's actions in the Palestinian Israeli conflict, actions that have included torture, assassination, wholesale destruction of homes and illegal occupation of Arab lands.

The grounds upon which I base this complaint are the following:

- Racial profiling
- Community policing
- Repugnant policing methods in Israel
- Institutionalized racial discrimination in Israel

¹ "Canadian police chiefs on visit", Jerusalem Post, 7 March 2005

Racial Profiling

Every resident of Ontario has the right to expect that the cop on the beat will treat him or her with fairness, irrespective of the resident's citizenship, race, religion, country of origin, etc.

The "Values and Ethics" message posted on your website states that the OPP is committed to working continuously to earn the confidence of the citizens of Ontario by seeking to understand different perspectives, cultures, lifestyles, creeds and by respecting the individual dignity and strengths of all people. However, by allowing Commissioner Boniface and Deputy Commissioner Pilon to participate in the trip to Israel, the OPP has undermined that trust. In fact, the OPP has unwittingly promoted racial profiling. The visit of Commissioner Boniface and Deputy Commissioner Pilon to Israel will definitely reinforce the stereotype of Arabs and Muslims as terrorists.

The stated purpose of the visit to Israel of the two OPP officials, along with Ontario Community Safety Minister Monte Kwinter and some two dozen other Ontario chiefs of police and deputies, was to "gain insights into police procedures, anti-terrorism and security strategies".²

What is implicit in the rationale for the trip, then, is the notion that it cannot be the State of Israel which is engaged in terrorism, but rather others who are nameless in the text. However, it is clear in the sub-text that these others can only be Palestinians, who are Arabs and mostly Muslim, engaged in resisting the occupation.

Anyone following what is taking place in the Holy Land can only come to one conclusion, namely, that Israel offers the best model of how to create, cultivate, promote and perpetuate terrorism. **By uprooting Christian and Muslim Palestinians from their homeland, stealing their land and then promulgating laws and policies reminiscent of South Africa's apartheid policies, Israel offers the world the best recipe on how to create terrorism.**

Like most people around the world, I regard Israel as a state that terrorizes not only its own Palestinian Christian and Muslim population but also the populations of all of its neighbouring countries. I also totally reject the notion that Israel is a democratic state that Canada should try to emulate, because of the many examples of violations of human rights and international law by Israel for which it has been condemned in some 70 resolutions³ of the United Nations General Assembly.

Recently, the **International Court of Justice in The Hague**⁴ found that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law" and that "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem".

Since the OPP authorized this trip and allowed Commissioner Boniface and Deputy Commissioner Pilon to spend public funds on it, you are sending a message to every OPP officer in Ontario that it was so important for these two OPP officials to find out how to deal with terrorists that it warranted a special trip to Israel to see how they do it there.

Your officers are well-educated and worldly. Despite the fact that the delegation heard from security officers of the Palestinian Authority (who were pessimistic about the future of relations with the State of Israel) for a couple of hours on one day during the week of the visit, they can figure out that the OPP officials went to Israel to learn how to deal with the stereotypically "bad guys", the Arabs and Muslims. How can this knowledge not negatively affect your uniformed officers when they are dealing with Arabs and Muslims in Ontario? How can it not reinforce the negative stereotype of these two groups as prone to terrorism?

² OACP Media Release, "Police Leaders Wrap-Up Historic Mission to Israel", March 8, 2005

³ A list of UN resolutions against Israel, 1955-1992

⁴ "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", International Court of Justice, 9 July 2004

In effect, then, the OPP has contributed to the racial profiling of Arabs and Muslims by allowing Commissioners Pilon and Boniface to go on the trip to Israel.

Community Policing

The prevailing philosophy of policing in Ontario, as I understand it, is to enlist the support of all the minority communities within the larger urban community in helping the police ensure community safety. Regrettably, by allowing Commissioners Pilon and Boniface to accept money from the State of Israel for this trip and to use Ontario taxpayers' dollars to visit Israel the OPP appears to have undermined this philosophy. By doing so, Commissioner Boniface and Deputy Commissioner Pilon and the OPP have alienated the support for the OPP of a large segment of the sizeable and quickly-growing Muslim and Arab communities of Ontario, who feel that you have shown bias against them.

By participating in a police trip (sponsored by pro-Israeli groups and by the Israeli government) to Israel, a country that practises discrimination against its own citizens who belong to the Arab Muslim and Christian minorities, Commissioner Boniface and Deputy Commissioner Pilon and the OPP are perceived as ignoring minorities and tolerating racial profiling. This is a matter of grave concern to all residents of Ontario and especially its visible and vulnerable minorities that make up more than 20 percent of its population.

Ontario police and other officials are mandated to ensure the safety and security of each and every resident of Ontario regardless of ethnicity, religion, or political association, especially in the current environment of anti-Arab, anti-Muslim sentiment. A poll⁵ conducted by Ipsos-Reid in March 2005 found that racism is on the rise, and that Canadians believe the groups most targeted by racism in their community are Muslims and Arabs, followed by Aboriginals/First Nations, Blacks, and East Indians.

In this context, I insist that Commissioner Boniface and Deputy Commissioner Pilon be asked to return the personal portion of the subsidy for the trip (about \$2000) that Canadian taxpayers paid on his behalf. Such an action will demonstrate that the OPP really believe in bias-free policing and begin the process to restore the confidence of Ontario's Muslim, Arab and other visible minority communities.

Repugnant Policing Methods in Israel

What policing methods might be learned from the Israelis?

The 2005 Annual Report⁶ of Amnesty International states that "**certain abuses committed by the Israeli army constituted crimes against humanity and war crimes**, including unlawful killings; extensive and wanton destruction of property; obstruction of medical assistance and targeting of medical personnel; torture; and the use of Palestinians as "human shields".

Israeli police have been charged with beating up Palestinian Christian and Muslim demonstrators, of torturing prisoners, of entering Palestinian homes in a violent manner without search warrants during which time they have been accused of stealing the possessions of family members, of arresting Palestinians and holding them indefinitely without laying any charges, of refusing prisoners the bare necessities not to mention access to lawyers, of participating in the demolition of homes of Palestinians, of selective assassination of suspects, of collective punishments, and many other war crimes and violations of the Geneva Convention.

Amnesty International has roundly condemned Israeli policing methods and the widespread use of torture in its recent report.⁷ Israel's own Orr Commission⁸ criticized their national police of prejudice against Palestinians, using excessive force and incompetence.

⁵ CTV News, "1 in 6 Canadians victims of racism: poll", 21 March 2005

⁶ Amnesty International, "Israel and the Occupied Territories", January – December 2004

⁷ Amnesty International, "Combating Torture: a manual for action", 2003

⁸ Aljazeera, "Inquiry raps Israeli police over killings", 1 September 2003

Institutionalized Racial Discrimination in Israel

1) Israel Proper

The International Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly of the United Nations on 21 December 1965, has now been ratified by most member states. Article 1 of this Convention defines the term racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

The State of Israel defines itself as a Jewish and Zionist state. All major Israeli parties identify themselves as Zionist. **Racial discrimination against non-Jewish citizens is grounded in Israeli laws, regulations, practices and permeates all fields of public life.**⁹

The very definition of Israel as a Jewish State cannot but alienate the indigenous Christians and Muslims who make up about 20% of the population. Imagine the outcry if Canada defines itself as Christian state even though non-Christians comprise only 10% of the population!

Once the State of Israel was established in 1948 it began enacting laws that discriminated between Jews and non-Jews, reminiscent of the apartheid laws of South Africa. By such illegal “apartheid” measures, land belonging to native Christians and Muslims was confiscated, leading to their political repression, ghettoization and their destitution.¹⁰

Israeli Law of Return

Article 13 of the Universal Declaration of Human Rights¹¹ stipulates that “everyone has the right to leave any country, including his own, and to return to his country.”

UN Resolution 194¹² adopted in 1948 after the creation of the State of Israel, and reaffirmed since then each year, states that “the (Palestinian) refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible”.

The historic World Conference Against Racism¹³ held in Durban, South Africa, in September 2001 and attended by representatives of 160 governments (including Canada), expressed in its final declaration concern about the plight of the Palestinian people under Israeli occupation, and also recognized the right of the Palestinian “refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return”.

The Israeli Law of Return grants, almost immediately, to Jews arriving in Israel from abroad all the rights and privileges that Israeli Jews enjoy. However, Israel in contravention of international law has

⁹ Israeli daily Ha'aretz, “Apartheid Laws in Israel – The Art of the Obfuscatory Formulation”, by Uzi Ornan, 17 May 1991

¹⁰ “Memorandum on institutionalized racial discrimination by and in the State of Israel”, by Elias Davidsson, April 1991 (Revised July 1993)

¹¹ Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III), 10 December 1948

¹² United Nations General Assembly Resolution 194 (III), 11 December 1948

¹³ Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August – 8 September 2001

persistently denied since 1948 five million Christian and Muslim Palestinian refugees the right to return to their homes and property.

The one and only criterion used by Israel to prevent these people from returning to their homeland and receive equal treatment under Israeli law, is that they are not Jews. Many of them still live in a destitute condition in refugee camps in Lebanon, Syria, Jordan and in the territories occupied by Israel in 1967, supported by UN relief agencies.

Israeli Land Law

The key Israeli law to control all the land owned by the state is the Israeli Land Law which set up a government-appointed body called the Israeli Land Authority (ILA), controlled by a board partly appointed by the government and partly by the World Zionist Organization through its subsidiary branch, the Jewish National Fund (JNF). A key paragraph in the law states that the ILA will administer its land according to the regulations of the JNF.

The regulations of the JNF strictly prohibit all non-Jews from benefiting in any way from JNF land; and by this simple apartheid strategy, the Israeli state lands (92 percent of the area of Israel) were removed from the use of native Christian and Muslim residents who occupied these lands for generations. In effect, the non-Jewish citizens of Israel simply cannot live; they cannot rent a house or an apartment, or open a business on Israeli state land, unless they surreptitiously sublet it from a Jew.

Blatant discrimination against Christian and Muslim citizens can also be found in other laws dealing with government support for young couples, educational curricula, and government expenditures for municipalities and schools.

With such racist laws in place, it would be hypocritical to suggest that Israel is a “democracy” when its laws are more akin to those of “apartheid South Africa”. The only difference between the two states is that South African law discriminated on the basis of skin colour while Israeli law does so based on religious differences. In fact it's worse. Unlike South Africa, there are certain roads in Israel which local Christian and Muslim inhabitants are not allowed to use, not even in an emergency.

2) The Occupied Territories

The non-Jewish population, living in the Palestinian and other Arab territories occupied by Israel in 1967, suffers not only blatant discrimination but is subject to brutal military occupation.

Israel allows settlement of its own Jewish nationals in the occupied areas and thus violates the Fourth Geneva Convention of 1949. Jews settling in the occupied areas enjoy full civil and political rights as Israeli citizens. Their Christian and Muslim neighbours, who are the overwhelming majority of the population of these areas, are denied many civil and all political rights. Their rights of movement, travel, assembly, expression, the right to obtain a car licence, to start a business and to buy industrial equipment, the right to educate children, all of these basic rights are subject to arbitrary rulings by military authorities and cannot be challenged in court. Only Jewish inhabitants of the occupied territories are permitted to carry firearms, which they use to terrorize defenceless Christians and Muslims.

Some moral questions:

The moral questions arising from this trip are:

1. **Can citizens of conscience condone their politicians and public servants accepting offers to visit an “apartheid” state** that is engaged in the brutal oppression of its non-Jewish “indigenous” inhabitants who happen to be Christians or Muslims?
2. **Should police forces be visiting such an “apartheid” state to learn “policing practices”** that are used to badger and suppress a segment of the population that desires equality and freedom from racist laws that deny them their dignity, their basic human rights and the right to own their own land free from police harassment?

Conclusion and Recommendations

In summary, Israel's laws and practices are diametrically opposed to Canadian laws and values.

Israel has institutionalized racial discrimination, consistently violates international law, commits serious human rights abuses, its courts condone torture and extrajudicial killings and allow its police force to use lethal force with impunity against its Arab citizens, and it is conducting a brutal and the longest contemporary military occupation in the world. **This is what guides and shapes the behaviour of its police force.**

Canada, on the other hand, abides by international law and prohibits discrimination; our police officers undertake their duties in accordance with the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code and Police Services Act, and are committed to **serve and protect all Canadians without discrimination.**

Of what possible benefit, then, was this trip to the taxpayers?

From my point of view, this trip was **at best** an unfortunate and insensitive decision on the part of the Ontario Provincial Police, the Ontario Association of Chiefs of Police (OACP), various Police Services Boards, and the Government of Ontario. Clearly, when there are large numbers of members of both ethnic/religious communities to an international conflict represented in our city and province, it was unwise for OPP officials, police chiefs and Ontario Community Safety Minister Monte Kwinter even to consider becoming embroiled in the debate at all, much less take a stand favouring one side (the State of Israel) so much.

At worst, this trip comes at the wrong time at the heels of two major studies conducted in Toronto¹⁴ and Kingston¹⁵ showing the police forces in these two municipalities have engaged in racial profiling. It is bound to have negative effects upon two sizeable communities of people in Ontario (Arabs and Muslims) and upon policing in Ontario that might take years to undo. The OPP, OACP and Minister Kwinter need to be reminded that policing in Ontario is not only supposed to be free of bias, it must also appear to be free of bias. After the trip to Israel, it is neither.

For these reasons, I have chosen to lodge a **policy complaint** against the expenditure of public funds on the trips of Commissioner Boniface and Deputy Commissioner Pilon to Israel and wish to urge you to deliberate more carefully in the future before allowing OPP officials to spend taxpayers' money on such potentially negative initiatives. **I request the following as corrective actions:**

1. the recovery of public funds spent on this trip
2. an apology to the residents of Ontario, and especially to Ontario's Palestinian community which has seen relatives and families turned into refugees by the creation of the State of Israel in 1948, and others living under Israeli occupation since 1967 subjected to serious human rights abuses
3. a program of education and sensitivity training for OPP officials and members of the Professional Standards Bureau on the special problems of racial discrimination faced by members of Ontario's Arab and Muslim communities

¹⁴ "Singled out", Toronto Star, 18 March 2003.

¹⁵ "Kingston study proves racial bias", Toronto Star, 27 May 2005.

4. the establishment, through a careful review, of criteria for sending OPP officials on trips outside of Canada, especially when these trips are funded by a foreign power

Yours truly,

Khaled Mouammar