Raja Shehadeh

Criticism of Israeli human rights violations had been constantly addressed by the Eastern bloc and the decolonized states at the UN. However, in the Western public realm, information about Israeli human rights violations in the occupied territories only started to circulate in the beginning of the 1980s when organizations like the International Commission of Jurists, Amnesty International, and Human Rights Watch seized on and began to report on the issue. Raja Shehadeh (born in 1951), a young lawyer who had studied in London, played a crucial role in providing these organizations with information. He founded Al-Haq, the first Palestinian human rights organization, which enabled him to systematically collect evidence of state violence in the occupied territories. At the same time, working as a lawyer, he had access to information about many different cases of human rights violations.

Interview

The interview with Raja Shehadeh was conducted by Dr. Daniel Stahl, coordinator of the Study Group Human Rights in the 20th Century, on September 5, 2016, at the lawyer's office in Ramallah. The only contact between the two before the interview had been via Email. Beginning at 11 PM, Shehadeh spoke for two and a half hours in a fluent English about his experiences, interrupted once in a while by a phone call. The interview was conducted in connection with two other conversations with Bassem Eid and Gadi Algazi about human rights activism in Israel.

Stahl
First of all, I would like to hear about your family background.

Shehadeh
I was born in Ramallah in 1951. My family had been forced out of Jaffa in 1948.[1] They came to Ramallah because Jaffa, in the summer, is warm and humid. And they had the summer house in Ramallah. They thought that they would come here, spend a few months, and then be able to go back. According to my father's calculations, the worst that could happen would be the partition. And, according to the UN partition scheme of 1947 dividing Palestine into an Arab and a Jewish State, Jaffa was in the Arabs' part of the Palestinian state, so they felt they would be able to return.

When they came, they didn't prepare for a long stay. They just brought a few things, and came here. They already had one daughter. Then they had another daughter. And I was born after they were in exile. They had lost everything, and it was a difficult time for all of us in Ramallah.

Then my father became a prominent lawyer in Jordan. This part of the country was eventually annexed to Jordan and became part of the Hashemite Kingdom of Jordan. He became a prominent lawyer and was able to make up for his losses, so to speak, as much as possible.

Then in 1967, there was another occupation. Israel occupied the West Bank including East Jerusalem, amongst other territories, the Gaza Strip, Golan Heights, and the Sinai.[2] Once again my father lost land in East Jerusalem, which he had bought as an investment, and which was expropriated immediately after the 1967 war. So, his losses were compounded.

We stayed in Ramallah despite the, once again, difficult times that ensued after the occupation. I went to school and graduated in 1969. I then studied English literature, and philosophy at the American University in Beirut. After that I studied law in London, came back to Ramallah in 1978, and trained at this office, which was my father's and uncle's office. And then I qualified as a lawyer here, and joined the practice.

Stahl
Did political issues play a role at home when you were young, before you went to university?

Shehadeh
Well, they played a role all along. But sometimes, I wasn't quite aware of what was really happening, because I was too young. For example, my father, immediately after 1948, realized that the Palestinians and mainly Palestinian refugees should be involved in the negotiations with Israel to safeguard their rights and try and work things out.

He went to Lausanne in Switzerland as a delegate to the UN talks in 1949 for the General Refugee Congress and tried to negotiate something with the Israeli government. But the government was unwilling and uninterested in negotiations, as they've always been, both then and now. And they said, »We only negotiate with states.« So, they weren't able to get anywhere.

He came back. He then took up the defense of some of King Abdullah's murderers in 1951,[3]which alienated him from the Hashemite.[4] As a lawyer, you take cases, but the Hashemite regime viewed this as my father being unfriendly to the regime.

He then took on a very important case, called the Blocked Accounts Case, which was the first of its kind against Barclays Bank and the Ottoman Bank. Israel had blocked the accounts of Palestinians who were no longer living in what had become Israel. So, let's say the Arab Bank, Barclay's Bank, and other banks had accounts for Palestinians who had become refugees and these refugees then tried to withdraw their own money from branches in Jordan or in England or elsewhere in the world.

Israel had blocked these accounts and said that they would not give them back. They considered the Palestinians as absentees and effectively expropriated their funds. The Palestinians couldn't understand why they weren't able to access their own money. They had begged the bank to return the money, and the bank said, »No, we cannot.« In 1952 or 1953 there was one case brought forward in London, which failed. My father then took on another case, and won it. As a result, millions of dollars were returned to rather desperate refugees who needed that money. It was a very important case.

However, some viewed this case as negotiating with Israel, which of course it wasn't. But

there was always so much criticism of anything practical that one could do to ameliorate suffering. Then, in 1956 my father was imprisoned by the Jordanian regime for political reasons. He was pursued and had to leave the country. He stayed away for several months and did not return until the king pardoned him.

I was still very young. All I can remember are the packages my mother used to prepare to send to him in prison, the tension in the house, the difficulties, and so on. But I really didn't understand what was happening.

I grew up believing that I was a Palestinian, which was not necessarily what others my age were told.

Stahl
But when you grew older, like 13 or 14 and up, did you start to discuss political issues with your father?

Shehadeh
My father was such a busy person. He never really took the time to explain things to me. He would say things and assume that I understood. I always respected him enough to think that everything he said and did was right. I wasn't critical, and I didn't really understand.

I grew up believing that I was a Palestinian, which was not necessarily what others my age were told. They were told, »No, you should say you are Jordanian«, because saying you were Palestinian would create problems. For me there was no question about identity. I knew I was Palestinian, and I would say so whenever I was asked. So, there was no question about the issue of identity.

I knew that the regime in Jordan was not friendly to Palestinians. I heard about my father's difficulties with projects that he wanted to establish here, to which he was then told »No, they should be established on the East Bank,« and things like that. Before 1967, in the early 1960s, my father was not involved in politics. He was only involved in his law practice.

Then in 1967, he was so shocked by the occupation and by the failure of the Arab states to do what they had promised to do – to protect the Palestinians or to regain Palestine or anything of the sort. He then realized that the Arab states had lied and that it was time for the Palestinians to take things into their own hands.

He immediately proposed in writing, with the support of about 50 leaders across the West Bank and the Gaza Strip that two states be established side by side – a Palestinian state and an Israeli state along the 1947 partition lines but with amendments. The plan also included the right of return and East Jerusalem as the capitol of the Palestinian state. Once this is done he thought this should bring an end to the conflict, which would be better for everybody. He also thought that this needed to be done very quickly or the opportunity would be lost.

By then I was sixteen, so I remembered how it happened and I wrote about it.[5] I remember

having typed the document. I had made some typing mistakes which are still in the document. The document was presented to the Israeli government. A few years ago I read a book called The Bride and the Dowry [6], by Avi Raz, a historian from Oxford and an Israeli, who had reviewed the Israeli archives from the first two years of the occupation. After reading Raz' book, I realized that the Israelis had absolutely no interest in making peace, neither with the Palestinians, nor with Arab states and that they were practicing a strategy of deception. They had used my father's proposal to claim to the Americans, who were trying to force them to make peace, that »No, no, we're negotiating with the Palestinians,« to tell the Jordanians, who also wanted to make peace, »No, we cannot, because we're negotiating with the Palestinians.« They used it to pit one side against the other in order to fend off the mounting pressure to move forward with the peace process.

The book actually revealed many mysteries that I hadn't understood. I could read about the minutes of the meetings that my father had attended with Israelis – which I knew he had gone to – what they said in the meetings, how they responded with proposals and so on.

The book was very interesting, very revelatory, and, of course, very disappointing. Now I know all about how disappointing it is to negotiate with Israel. First of all, the media was very negative about the proposal and distorted what my father had said.

Stahl
Which media?

Shehadeh
The Jerusalem Post, for example, and then the Arabic media as well. But The Jerusalem Post announced that my father was proposing a Palestinian state under Israel, which of course was not at all what he had proposed. So the media cast doubt on the proposal and made it sound as if he was collaborating with Israel in order to accept the occupation. He tried to respond to these accusations, but he didn't have the means, you see.

In addition, the PLO,[7] which was trying to gain power, saw him as a rival. This made no sense at all. Why should he be a rival? But, that is how they viewed him. And Jordan, which of course wanted to get the West Bank back, also did not like the fact that he was proposing something separate from Jordan. Of course Jordan had their agents and people who began to circulate rumors and falsehoods.

All of this made my father's life very difficult, and he was disbarred from the Jordanian bar. Then the lawyers and judges in Jordan went on strike. My father was against this strike, because he said, »How can you not defend our people in military courts?« It was a difficult time for me because there were so many contradictory forces going on.

Stahl
Were you aware of all of this pressure on your father?

Shehadeh
Yes, of course, by then, I was aware. I didn't make up my own mind. I saw that he was right. I also saw that neither war nor dependence on the Arab states was the answer. Later I

believed that we had to have a Palestinian state. I thought, »If we want to have a Palestinian state, and we are so unready for self-determination, we have to make ourselves ready. «

I believed that as a person who was fortunate enough to receive an education, I owed it to my society to pay it back. I had no doubt that I would be coming back after I finished my education, and that I would contribute to the development of my society in any way possible. That was constantly on my mind. I thought that everybody should do the same because I believed that, »If we wanted a Palestinian state, we had to build it by ourselves.«

Stahl
During this time, you went to school. Did these issues play a role in your schooling?

Shehadeh
I went to the Friends Boys' School, which was a boarding school. We had students from different parts of the Arab world, as well as from local areas like Nablus. They couldn't commute every day, so they lived at the school. After 1960 we were a class of about 31 or 32 students.

After the occupation, the students who were not living in Ramallah were unable to return and the boarding section was closed. Our class size decreased to about eight or nine students, plus the teachers. We had some foreign teachers. Because some of the teachers also left for one reason or another, we didn't have a very good staff. Therefore, in a sense, the whole school collapsed.

I was so apolitical.

And then at the school we were not politically active or involved. In a sense, we were dumbstruck. It was such a blow and so difficult to understand or to take stock of – everybody was shocked. Some talked about the PLO and how they wanted to go and join the struggle outside. And, as I later learned, some did. But if they did, or if they had thought about it, they didn't speak about it in school because they were afraid they would be captured by the Israeli military authorities.

So there wasn’t, at least in my experience, much political activity. If there were any murmurings, I certainly wasn't involved in them, nor was I involved at the American University in Beirut, where there was far more political activity going on when I was there. I was very interested in my studies. I was passionate about all of the subjects I took, and wanted to learn about them. I thought, »I've come to university to study and not to strike.« So, when the strike happened, I was against it immediately without even giving it any thought.

Stahl
Did the other students in school as well as in university know about your father and his activities?

Shehadeh

Oh, yes, everybody did.

Stahl
Did they discuss this issue with you?

Shehadeh
Sometimes they did. Certainly, when he was disbarred, for example, they all thought that I should be or would be very sad, and they tried to commiserate with me. But generally, they left the subject alone. I didn't invite discussion because I was so apolitical.

Stahl
Why do you think you were so apolitical?

Shehadeh
Well, I suppose I'm a practical person. I always thought, either you can do something or not. I just didn't see what I could do politically at that point. And I was seriously interested in literature and philosophy. I had so many questions on my mind that I needed to answer and to look into.

I was passionate about my studies, and couldn't understand their efforts. For example, at AUB[8] they occupied a building, which was where my classes were being held. And I stood back and thought, »Well, the real occupation is at home. And if anybody wants to do something, they should do something concerning the real occupation.«

Of course, I now realize that this is not the best way of thinking about it, because those type of student activities is how people learn to interact and be active. It's part of one's education, I suppose. But I didn't see it that way at the time. I just mocked it and I didn't think that our parents were paying money for our education in order for us to come and strike. Maybe I was too conscientious.

Stahl
Did you think that the study of philosophy and literature would help you?

Shehadeh
Absolutely, because I thought one should have answers to questions. Literature and philosophy are very important: they have always been important and they continue to be so. Even in a political situation, one should continue to have an open mind and learn from others and appreciate beauty and so on. So no, I never had any doubt about that.

Stahl
Did you have a special plan about what you wanted to do?

Shehadeh
I always wanted to be a writer, as well as a lawyer. I think I had made up my mind early on that I wanted to be a writer, but I didn't want to be dependent for my livelihood on writing. I thought if this was so, I might be forced to write certain things in order to please the public or to make money and that didn't seem right to me.

At the same time, I was clear that I didn't want to be an academic. I wanted to study academic subjects, but I didn't want to be an academic. I very much wanted to be a lawyer, and experience what it means to be a lawyer.

I thought of my father as a »real man«. I wanted to be a real man like him, and that meant not being an academic – who lives on the periphery, so to speak – but to be engaged in society as a lawyer. I aspired to do that, along with writing. And actually, I constantly managed to do the two.

Stahl
What kind of literature and philosophy were you interested in?

Shehadeh
I was interested in English literature, of course, because that was one of my subjects. I was interested in European philosophy as opposed to Anglo-Saxon philosophy: existentialism, phenomenology, Kantian and Hegelian philosophy.

Stahl
When did you start studying law?

Shehadeh
Immediately after I graduated from AUB and went to London in 1973.

Stahl
Was it because your father wanted you to study law ?

Shehadeh
I was obviously influenced by my father. But I thought the study of law would provide me with a weapon, so to speak, with which to help society. It would provide a good background for that, as well as giving me the opportunity to work as a lawyer and write as I wanted to write.

Stahl
Do you remember some of the content that you were reading or studying during this time, which later, when you started to work here, somehow shaped the way you saw things and dealt with things? Or, do you think that in the end the topics that you studied in university, in philosophy and literature, didn't matter?

Shehadeh
No, they did matter. They mattered because I read a lot about Sartre. And, of course, Sartre was part of the struggle. I read The Outsider by Albert Camus. And Frantz Fanon’s The Wretched of the Earth was, of course, very important. Sartre and Camus had different positions on the Algerian struggle for independence. All of those questions were, of course, very interesting to me. But I wasn't really looking for things to learn for the occupation. I was mainly concerned about myself

So when I read The Order of Things, for example, by Foucault, or Merleau-Ponty’s,

Phenomenology of Perception, I found many things that helped me understand what was happening to me. For example, I was very interested in the body-mind relationship. There were issues that I was interested in, which did not have to do with the occupation as such.

Stahl
But it is interesting that you were more interested in French literature and philosophy.

Shehadeh
French and German, actually.

Stahl
The French writings were influenced by decolonization. Maybe French philosophy was more relevant to you?

Shehadeh
Perhaps. For example, I read Hegel's Philosophy of Right. And that also was important and interesting. I read Kant, and that was also interesting. But the philosophy that I felt most attracted to was phenomenology, which, in a way, is between literature and philosophy.

Stahl
During this time in London, did you become politically involved?

Shehadeh
No, because I was very busy. In the beginning, I was trying to finish an MA in philosophy and law. I then gave up the MA in philosophy but continued reading works on psychology and philosophy, which I found in the library, as well as studying law. I had absolutely no interest in (and no contact with) what was going on in the political side. I just didn't.

Stahl
Were you informed about what happened at your home during this time?

Shehadeh
Well, of course I was. A month after the start of the academic year the October 1973 war began. My father couldn't send me money. I went to the university and said, »Can you postpone the fees, because there is a war, and my father cannot send me money?« They said no and I was very upset with them. I tried to find work but it was impossible. I would listen to the radio and read the Times of London. That was my reading.

Michael Elkins was the BBC reporter from Israel. He was a Zionist, and after he retired from the BBC, he came to settle in Israel. There were some voices that said his reporting was biased, and that he should be removed. There was an attempt at removing him but the BBC would not do it. They kept him on until retirement. His reports were so biased. He would bring generals from Israel to speak on the radio, but he would not give any voice to the other side.

I was seething. I was there and I realized all of this reporting was false. I realized how unfairly our situation was portrayed and it angered me a lot. It was the same with the

paper. I think I did read some fair reporting in the Morning Star, the communist paper. But its circulation was nothing as compared to The Times. The Times had a very wide circulation, whereas the other paper was quite minor. I think it might have even been a weekly paper. So, I was very angry with the situation, but didn't know what to do. I couldn't do anything, and I didn't even try because I didn't know what to do.

Stahl
Did this experience influence how you acted when you came back?

Shehadeh
Well, when I came back at the end of 1976 there was a lot to do, because I had to adjust and learn many new things about the law here. For me, it was very important to keep my standards as high as possible, and not to succumb to the standards around me. There was a lot of social pressure to do things socially and so forth, which I thought was a waste of time. I had to find a way of staying on my own with my reading, with the work that I was interested in, and with my writing, which was taking a lot of time, and which seemed strange to people. They would ask »Why now write? You have to practice law«. I was trying to do all of that, and I was simply trying to find my way.

Stahl
You immediately started working with your father?

Shehadeh
Well, I first had to do two years of training with my father before I could join the profession.

Stahl
What did you have to do during your training period?

Shehadeh
When you are training you can't appear in court, because you're not qualified as a lawyer. You have to get to know things and learn how things are done and participate as much as possible in the life of the office, which is what I was trying to do.

Stahl
What was your impression of the situation here after having lived so many years in Jordan and England?

Shehadeh
I was dismayed by the fact that Palestine didn't seem to be so intellectually vital. They were lax and intellectual standards were not high. People were also confused. And, there was so much interest from the outside. Those supporting Jordan were leaning towards Jordan. The PLO people were leaning towards the PLO. And, some people were in between.

I thought that there was a lot of factionalism, and so many competing factions. I tried to understand what was happening. But for me, serving a particular faction or this side or that side was not what was important. The important thing was to try and do something to help

develop society. I was trying to see how that could be done.

Stahl
Did you use the concept or, or term, human rights from the beginning when you started to work this?

Shehadeh
I mainly used the concept »rule of law« more than »human rights«. But yes, in time, I began using the term human rights. I remember reading about JUSTICE when I was in London, which is the International Commission of Jurists branch in the UK[9]. I remembered that they were involved in work on the rule of law and the promotion of the rule of law in society. I thought that this sounded like exactly what we needed to do here. But what was this International Commission of Jurists? I didn't know. I had never heard about it.

> Niall McDermott from the International Commission of Jurists wanted assurance that we are not political.

Stahl
During your stay in London, you never had to ...

Shehadeh
No, I was not involved. I didn't have time. So I wrote to them and found out a little about what they were, and then I investigated further this International Commission of Jurists. It was very good timing, because Niall McDermott[10], who was heading the ICJ, was interested in doing something here. He was very curious. He really wanted to do something here, and was he looking for a way to do it. He had been a cabinet minister in Britain and was, therefore, a very high-profile and very effective leader of the ICJ. He had done a tremendous amount of work all over the world.

So it was a convenient coincidence and we began communicating. However, he wanted assurance that we are not political, and would not take one side or another on issues. He told us to meet with Haim Cohn[11], the Israeli Supreme Court judge, who was the head of the Israeli branch of the ICJ (which was basically dormant.)

Stahl
When you got more information, what appealed to you in particular?

Shehadeh
Well, the ICJ seemed exactly what we wanted to do. They promoted human rights and the rule of law. And they described what the rule of law was about. I thought that this was exactly what we needed to do here. We wrote to Niall McDermott and then we went and met Haim Cohn. He reported back that we were too political. How did he see that? I didn't understand, because we were not. However, the meeting happened anyway. I think that Niall McDermott needed to be able to tell his board that these people had met with the Israelis. His board was mainly Americans, and they were very careful when dealing with Israel.

Stahl
How do you remember this meeting with Cohn?

Shehadeh
We went to his house. He was very polite, and asked us questions, which we answered. We thought it went well and were surprised to hear that he said that he thought we were political.

Stahl
So you never met again?

Shehadeh
Oh, no. My father knew him. Also, his wife was a musician, and my sister was a pianist so we met often. My father met with him often, and I met him sometimes. My father was a lawyer in Palestine beginning in 1935. So many of the people who, later on, took jobs as prosecutors or in the high court were his colleagues during the British Mandate.

Stahl
Did your father support what you were trying to do in the beginning?

Shehadeh
No, he didn’t. He really didn't understand why we were doing it. My father was a very practical man and he thought that political action was what was needed. He felt that unless we worked in politics, nothing was going to change. I had always said that I was not going to be involved in politics because it was a headache and too complicated for me. I would do other things. And he thought that was a bit problematic. He didn’t really support me but he didn’t stand in my way. I was working from his office. This office was where Al Haq – which in the beginning was called Law in the Service of Man – started. He didn't object. But, when I became a co-director and the organization grew, he was sometimes critical of the fact that I was spending too much time working for it, work which I did as a volunteer. So, there was that kind of conflict.

Stahl
Was there something concrete you thought you could achieve by cooperating with the International Commission of Jurists?

Shehadeh
Yes, because unless we had an affiliation with a group, a respectable group, we would be immediately crushed by the Israelis. So we were strategic. We knew that we were going to speak out and do things that were critical of Israel and that unless we were somehow protected, we would be crushed. And that was right, of course. But I was always worried. I was very worried about the Israeli reaction. They would call my father and say something like »Unless you silence your son, we will silence him.« My father would get very worried. They always did that.

Stahl
Why was McDermott so interested in cooperating with you?

Shehadeh
Because he saw that nobody was doing anything in this area and he realized that Israel was committing many human rights violations which went unreported.

Stahl
How do you imagine he managed to convince all the others on his board?

Shehadeh
It was very difficult.

> I testified for three days at the UN and the testimony was published as an UN document.

Stahl
Did he tell you ever about it?

Shehadeh
We became very close, and I had great respect for him. You probably already know this story because I also wrote about it in my book Strangers in the House. In 1979, I traveled to the United States on a private visit. And in the course of the visit, I was introduced to the Secretary General of the committee investigating Israeli practices in the West Bank. I met him in New York at the UN. At the time, you could go into the UN building without any fuss. John Pache was his name. I told him, »You investigate things in the occupied territories but you fail to investigate what is happening to the law and to the legal system.« He himself was a lawyer from Malta. And he thought, »Yes, well, why not? But we don't have any access to those areas, and we don't have any information. Can you provide us with information?« I said, »Yes, of course.« I came back here and my colleagues and I prepared a huge study about all of the changes that Israel had made to the law and its amendments – much more than he had expected. He then said, »Can you come and testify before the committee?« I said, »Yes,« although I was very worried about the Israeli reaction. I then carried all of this material to Geneva, which was, of course, very dangerous in itself because at that time, they checked every paper and asked questions at the airport and so on.

But still I did it, thinking I'm taking a great risk. I said, »I'd rather not testify under my name. I'll testify under a pseudonym, Mr. M.« I didn't realize then that Israel really didn't care. But I thought, that I was doing something very heroic and dangerous. I testified for three days and the testimony was published as an UN document.

Niall McDermott, whose office was in Geneva, attended the full three days of testimony. At the end, he said »I want to speak to you.« He told me, »You know, the UN takes these reports and puts them on a shelf to gather dust. So why don't we publish this as a cooperation between the ICJ and Al-Haq, which was then called Law in the Service of Man. Would you be willing?«

I was delighted, of course, because I thought that something would come out of it. I went back and worked on the book, which became The West Bank and the Rule of Law. I then

traveled back to Geneva to work on the editing with him, because he wanted to know every single point. »What is the evidence? How do I know that it's true?« He approached it very, very carefully.

Meanwhile, he had been invited to Israel. This was before The West Bank and the Rule of Law was published. He had been invited to Israel to speak to the Bar Association, I think. He said, »Come along.« So I went and heard him speak at the Van Leer Institute in Jerusalem. The prosecutor was there, along with Haim Cohn. And Niall McDermott spoke very well.

He told his audience: »Did you know that there are allegations of torture in Israel? This is very worrisome,« and so on. They all fell very quiet. Nobody had ever dared confront them with the fact that there was torture in Israel. Actually, there had been no reporting on torture. At that time, even Amnesty did not report on torture or the mistreatment of prisoners or anything. He was really going much further than anybody else had. After his speech, Haim Cohn invited him to dinner at his house and I went along. Everything was polite but obviously, there was tension.

Then the report and the little book, West Bank and the Rule of Law,[12] were published. In the introduction, he wrote: “There have been isolated cases, as in Chile, where one or two decrees of a military government have been treated as secret documents and not published. However, this is the first case to come to the attention of the International Commission of Jurists where the entire legislation of a territory is not published in an official gazette available to the general public.” This made Israel so angry. I was then contacted by journalists and some very good people like Amos Elon.[13] He said, »It can't be true. We cannot possibly have secret legislation. I don't believe you.« I said, »Okay. If you don't believe me, bring this legislation to me.« He began to investigate and found out that, of course, it was true. This extensive body of military orders was not being published. Of course he wrote about it and Israel came under a lot of criticism because people read and reported on this book. Even though it was mild in comparison to what is written now, it was the first report of its kind, you see. In that sense, it was like a bombshell.

The Ministry of Justice then commissioned Joel Singer, the head of the Israeli international law unit in the army, to write a rebuttal. In his rebuttal he said, »This is Israel’s position on this point. This is Israel’s position on that point. This is how we interpret international law.« He gave the Israeli side of things.

Then the Minister of Justice thought, »It doesn't give it great power to have the government publish it. We have to have it published elsewhere.« They then asked the Israeli branch of the ICJ to publish it. Haim Cohn was the head of the branch. He wrote the introduction, in which he justified Israel’s position and showed disapproval of our work. It was published under the title Rule of Law in the Areas Administered by Israel as a publication from the Israeli section of the ICJ.

Niall was unhappy about that because they hadn’t asked the ICJ for permission. And, the Israeli branch had really been dormant except for this single publication. But it became the Israeli’s way of answering anyone who criticized them. They taught their book in the Hebrew university but they never referred to our book. But, at least there was this kind of

dialogue.

Stahl
Did you attend some ICJ meetings where your section and the Israeli branch came together?

Shehadeh
The ICJ didn't try to do that. I was involved in many, many human rights conferences in which I spoke and the Israelis came and spoke. At that time, I thought it was my duty to say yes to every opportunity to speak out. And all the journalists wanted to speak to me. I spent hundreds, thousands of hours speaking, and I wasted those hours because the reporting ended up being so unfair, so biased, and so stilted. I learned my lesson: if I have something to say, I write it myself. I don't give it to a journalist to write. I learned my lesson but that took me many years.

Stahl
Do you know how the board of the ICJ discussed the Israeli-Palestinian conflict?

Shehadeh
I heard from Niall about the discussions and how acrimonious they were. And I met some of the people later on. Niall was given a hard time, and he didn't deserve it, because he was doing a tremendous job for the ICJ. He made the name of the ICJ so big and so important because of his work.

Stahl
Can you tell us anything about the foundation of Al-Haq?

Shehadeh
Well, we were unsure about how to establish it. There was Charles Shammas, myself, and Jonathan Kuttab. I was with Charles at first, and then Jonathan, also by good happenstance, was working in New York as a lawyer, and wanted to come back and do something again for Palestine. And I couldn't believe that somebody, a Palestinian lawyer in the US, was also thinking in these terms. So I said, »Yes, come. We are in the process of establishing a foundation.« So he came.

Stahl
Had he also grown up here in the West Bank?

Shehadeh
Yes, but his family had emigrated to the States. It was very unusual for somebody to come back after he's become a successful professional. At first, we thought that we would invite people from various factions and groups. Charles Shammas, who's still active and involved had just come here.[14] He’s from a Lebanese family. He had come to do other things relating to economics. Anyway, at first we thought that we would have a selection of people involved in the organization. We thought we would have a large group. We then realized that it would be a big mess, and that everybody would be thinking of the political aspects rather concentrating on the work. And so we discontinued working in that way.

Then we realized that if we registered as a non-governmental organization, we would need approval from the authorities, and they would never give it. So we registered as a private company – a not-for-profit, private company. This way, we slipped between the cracks.

In the beginning, the idea was that involvement would be on a voluntary basis. We were not going to make money out of the organization. We would all work in our own time as volunteers. The two directors, myself and Jonathan, served for about thirteen years without having taken any money from the organization. To me, that was very important, because I thought the spirit of volunteerism was very important for society and believed that this would set a good example for others.

In the beginning, we had one part-time secretary, who was paid. Everybody else was a volunteer. We produced all of the publications ourselves – the writing, the editing, the collation, the production, and the distribution. We did it ourselves, from beginning to end, and we did it as volunteers.

Stahl
Who came up with the idea to create this group?

Shehadeh
Well, it was my idea to start with, but then it developed with the others.

> I began to realize that they were torturing prisoners and detaining people without proper procedure.

Stahl
I am trying to understand how a person comes up with the idea to found a new organization.

Shehadeh
Well, I will tell you. It was incremental. It happened because, at that time, the military orders that were being issued by the Israeli authorities were written on newspaper paper, very thin and cheap newspaper and stenciled. They would produce a number of them and throw them into the lawyers' chambers in the court. They would throw a bunch into every court and then leave. That was it. The lawyers would then look at them, and think, »These are not significant.« They would use them as scrap paper. But my father was always very careful to collect them and bring them to the office. Nobody was collating them yet, and they were piling up.

When I arrived, and my father was trying to find things for me to do to help with the office and to help me understand how things worked he said, »See this pile? Go through it, organize it by subject, and attach it to the relevant law.« I began to go through this, and I realized they were paying attention to every aspect of our society and amending all kinds of laws.

I thought, »You don't do this just for fun. Or you don't do it because you don't mean it. You

must mean it and if these laws are going to be implemented, then it's going to affect every aspect of life in our society.« They were taking lands. They were changing the tax laws. They were changing the employment laws. They were changing everything – there was not a single law that they hadn't looked at and amended in the way that they wanted.

And nobody was paying any attention or objecting. As I started to practice, I began to realize that they were torturing prisoners and detaining people without proper procedure. The military courts were not running well. I attended the military court sessions and nobody mentioned the amendments to the laws either.

I realized that I could write about these practices, but that it would be difficult to find a place to publish my work because, at that time, I was unknown. It was also not work that could be done by a single person. So much was happening all over the occupied territories, in Gaza, in Jerusalem, and the West Bank. So it really wasn't a job for just one person. There had to be an organization behind it.

Stahl
But this Rule of Law report you wrote, was that the first attempt to deal with all these amendments?

Shehadeh
Yes. I could write that because I had the necessary papers. I had the means to do it. But I couldn't report on human rights violations on my own, because you had to go and investigate, inspect, test and make sure that everything was true and so on. That was why we needed an organization: one that had an affiliation with a group such as the ICJ, which would be behind us, protect us, and give our reports wider circulation and credence.

Stahl
At the end of the '70s, the ICJ was not the most famous organization. But Amnesty International just had received the Nobel Prize. Did you ever consider cooperating with them as opposed to the ICJ?

Shehadeh
Of course. We cooperated with them very soon after Al-Haq was founded. There were some wonderful people who came to Israel. We also collaborated by sending them reports to use and publish. We became very close. The ICJ had a rocky history. It was established, I think, basically by the CIA or a CIA-related agency, to stand as a barrier against the Soviet Union. And, it sort of fit that role. It reported mainly on the Soviet Union. However, when Niall McDermott came, he made a big change. He turned it into an organization that reported on the whole world. He did not confine it to the Soviet Union. He gave it its current prestige. But Amnesty was a different organization. It was for prisoners of conscience. We couldn't have done the same work under an Amnesty umbrella as we were doing with the ICJ.

Stahl
Can you explain this a little bit for me?

Shehadeh

The ICJ was for the promotion of the rule of law and for human rights generally and had branches and affiliates all over the world, whereas the mandate of Amnesty was more confined. And Amnesty International had its own reports. We wouldn't have been able to produce our own reports and call them Amnesty reports. Amnesty reports are produced by the General Secretary of Amnesty. We could send things to Amnesty to include in its reports. And I remember when I sent Amnesty things, they used to say that there were allegations of the mistreatment of prisoners. They didn't use the word torture. And it was after we said »torture« and proved that torture was taking place that they started using the word torture. So our work was very important.

Stahl
When did they start to use »torture«?

Shehadeh
I don't know for sure. I remember when we were debating the use of the »torture«. I think we started in 1981-1982, because we were always very careful, and we didn't want to be found to be incorrect or imprecise or wrong. I remember the meeting when we discussed this issue. We said that we were reaching very high when we used »torture«, when even Amnesty, with all its power and presence and history, was still using »mistreatment«. But we had to say what we believed was right. And we did.

Stahl
Did you have to convince Amnesty that the use of the word torture was correct? Was it a hard debate?

Shehadeh
They didn't ask us. But we sent them the reports and the affidavit – statements from people under oath that we had gathered, and we hoped Amnesty would trust them. They then sent their own people here to verify the reports and so forth. They ultimately came around to using the word torture. Actually, there was an earlier precedent because there was a Sunday Times report in, I think, 1977 or 1978, somewhere around that time, which claimed that the Israelis were using torture.[15] Then all hell broke loose.

Stahl
When did you start to cooperate also with Amnesty International? Do you remember?

Shehadeh
I think maybe 1980 or 1981, something like that.

Stahl
Did they come to you, or did you contact them?

Shehadeh
Well, once we became known, and had published The West Bank Rule of Law, many of these organizations were glad to find Palestinian interlocutors and people they could rely on and get help from. They were constantly coming to us. I remember we were still in the small office up there, and we were in a meeting. We had a weekly meeting every

Wednesday when we discussed every issue from beginning to end, ad infinitum. Everyone had to be involved, and the decisions were to be made collectively – collective responsibility.

We saw it as a way of developing everybody working for or associated with the organization. We didn't want anyone to feel that there was a sense of mystery, or that they didn't know how the decisions were made. So, we discussed everything with the entire staff, even though they were secretarial or not involved in the activism. The meetings would start, I think, at 7:00 and sometimes go on until midnight.

We were in one of these meetings when the soldiers found our cars parked outside. They were suspicious and came down and knocked on the door. There we were, sitting around. And Amnesty International had sent their representative a woman, and she was in the meeting with us. We had computers at that time and we were discussing something.

They came and they were shocked. »What is this?« Then they reported to their headquarters, »We found this group of people who speak many languages and who have computers. And we don't know what they're doing. But it feels suspicious. « When one of the field workers was leaving, they caught him and beat him up.

Of course the Amnesty woman was there, so we showed her what they were doing. We tried to get this group of soldiers investigated for beating up one of our own. And because of the involvement of Haim Cohn and others who didn't want it to seem that something like this could take place without being investigated, there was an investigation. The investigation went on for so very long. The investigators called constantly and listened to testimony over and over again until we were so fed up, we begged them to close the investigation.

Years later, they finally brought somebody to us in a track suit rather than in a soldier's uniform, and asked me, »Is this the man who beat your colleague?« I said, »After all these years how could I know?« It was like they were mocking us. They didn't really investigate the beating, and they never punished anybody.

> The field workers were the eyes and ears of the organization. Whenever they would hear of something, they would go and take a testimony, a statement under oath, and then they would bring the testimony for us to read.

Stahl
Who attended these types of meetings?

Shehadeh
Everybody who was involved in the organization. And if somebody was visiting from a human rights organization with whom we were collaborating, they would also attend the meeting.

Stahl
How many?

Shehadeh
Well, it depended. In the beginning, the organization did not have more than eight people, just something like six or seven. It then grew to about 39 to 40. Everybody attended the meetings. The meetings were very important, because that was how the organization grew and how everybody developed into the work. The current director of Al-Haq started as a field worker.

Stahl
What did field workers do?

Shehadeh
They were the eyes and ears of the organization in the field. Whenever they would hear of something, they would go and take a testimony, a statement under oath, and then they would bring the testimony for us to read. If there were gaps, we would have them go back and get more information. Sometimes we compared the testimonies from different people. If we were putting together a report on something, the field workers would collect the information and the evidence to support the report.

Stahl
How did they become a field worker?

Shehadeh
Well, they were generally from the various parts of the West Bank, from the north, the south, the Gaza Strip, etc. They would apply for the position, and we would look into their application. We would then test them. We provided instruction on what a statement under oath meant, the importance of accuracy, and the serious ramifications of obtaining information that was not 100% accurate. We would teach them to be skeptical and so forth.

Stahl
What did the researchers do?

Shehadeh
They essentially took the information provided by the field workers interpret it according to international law and produced reports. Then we began to intervene with the military. We had significant discussions as to whether to intervene in this way and if so, how, and why.

We made a collective decision, because at that point, it was somewhat controversial to intervene with the military. But we wanted to get things done. So if there was a case of unfair imprisonment, we wanted the prisoners freed. They needed to be out rather than to make a fuss.

We also decided that we didn't want to produce too many press releases, and that issuing a press release should be a last resort. We felt that we should try everything possible before

we released the information to the press. So, we would collect information and then as a first step send it to either the military legal adviser or to the body within the military that was concerned.

The legal adviser would receive this well-written letter containing evidence as to why something was a violation of the law, which law in particular it violated, and in what ways it did so. Then either he would call us or we would go and meet with him to tell him, »You have to do something about this. And if you don't, we will use other means to deal with it, such as resorting to the Supreme Court of Justice or telling the press or producing a report. It's better if we can resolve it now.« Many things were resolved in that way.

At one stage, we heard that the doctors in Israel were involved in torture. And we wrote to the Israeli medical union. I signed the letter. In the letter we wrote that we had allegations that there were doctors involved in torture. For instance, they were testing how much a prisoner could withstand. We were careful to use the word, »allegations«. We didn't say anything beyond »allegations«. We thought that they would be concerned, and would tell us, »We want to know more. And we want to stop it. And thank you for telling us.« That is what we thought.

Instead, they immediately issued a press release denouncing Al-Haq. They used the term »the so-called Raja Shehadeh«. I don't understand what this »so-called« meant. I think it was stupid. We wrote to them and said, »We haven’t told anybody other than you. We didn't make a story out of it. We just hoped and believed that by alerting you to the possibility that you would want to investigate further. We only used the word allegations.« Anyway, the issue was eventually taken up by the World Medical Association. Things began to happen and eventually the Israeli doctors group actually became concerned.

Stahl
What happened, for example?

Shehadeh
Very recently, they started warning doctors against participating in torture. But back then, the World Medical Association took up the issue. They asked the Israeli branch about it and delved into it further.

> What was human rights? What were we working for? People couldn't understand it. We had to develop something out of nothing, a new consciousness.

Stahl
What sort of background did the members of Al-Haq have?

Shehadeh
They had all kinds of backgrounds. Some of them just had a high school education, while other had a university education from local universities. They had very different backgrounds. At Al-Haq we took every opportunity possible to further people’s education in

human rights by sending them on scholarships. This made a big difference.

We saw ourselves as developing an awareness of human rights – as professionals and as part of a movement at the same time. There was nobody doing that kind of work until we started. So, nobody knew about the issue of human rights. It was a very strange thing at that time to say, »I'm working for human rights.« »What was human rights? What were we working for?« People couldn't understand it. We had to develop something out of nothing, a new consciousness.

Eventually, a large proportion of the people who worked at Al-Haq got degrees in human rights, which was much more than we had when we started, because we hadn't studied human rights. They came back with ideas and with training and experience. Many of the people who worked in human rights in Ramallah, also the foreigners, ended up working in human rights organizations around the world, and doing a great job.

Stahl
What kind of universities?

Shehadeh
The present director of Al-Haq, for example, completed an MA in Ireland. There were American universities. There was a Dutch program for human rights. I'm not sure exactly what it was called, but several people completed that. And some went to Britain.

Stahl
You gave them some kind of support?

Shehadeh
Usually, they were supported by funders who helped with the scholarship, or they got a scholarship from the university itself.

Stahl
And who were these funders?

Shehadeh
Well, at that time the ECO in Holland helped. The Ford Foundation helped. I think Oxfam also helped. These were the initial funders of Al-Haq.

Stahl
How did you establish contact with these foundations?

Shehadeh
Well, sometimes our funders would suggest that we should apply for grants and sometimes we just did our homework and made the necessary contact and wrote the proposals.

Stahl
Did you also go into the public here and teach people about their rights?

Shehadeh
Well, we thought that the best way to teach is by example. So we tried to demonstrate how you do things, and how you can get somewhere. People started learning about our work, and coming to the organization to testify.

For example, the authorities would arrest people just before the Tawjihi, which is the required government exam at the end of high school without which no student can enter any university exams. We wanted to know whether they were doing this in order to prevent people from sitting the exam. So we investigated and looked at trends, and discovered that they were doing it as a punishment to prevent people from sitting for the exams.

We collected a large number of such cases. I remember going to the military adviser and saying, »You are denying these students their future because if they don't sit for their exam, they can't go to university. They will end in prison, and their life will be ruined. You're making it more difficult for yourself.« I convinced him of these facts and the students were released for their exams.

People heard that Al-Haq was instrumental in getting these students released in order to sit for their exams. We produced our reports and press releases. And we held press conferences when the situation necessitated it. We had a citizens' advice bureau, where people could come to Al-Haq and get advice not only on matters relating to the military, but also on civil matters such as rentals and employment and so on. We provided advice on anything we could that didn't involve going to court. We also had a human rights education program where we prepared pamphlets for schools and for curricula and so on.

For a while we had a series of publications called Know your Rights. These were little booklets that explained one's rights, which we published and circulated, and we also wrote in newspapers. We would start with a case and then explain the law relating to that case in a way that people would enjoy reading and learn from. We used various ways in order to promote and educate people about the law and human rights.

Stahl
From the 1970s on, the human right movement became a strong movement. And there were many groups involved. For instance, if you look to South America and the dictatorships there, there were human rights groups starting to work on these issues. Did you look at examples of how other groups worked?

Shehadeh
Yes. For example, I remember reading a book about the human rights situation somewhere in South America – I'm not sure now which country – which became very popular and was widely read. It described cases in a very simple and readable ways. It made a big difference in popularizing the struggle for human rights there. I was inspired by that book and hoped someday we would produce something similar about the situation in Palestine.

As far as our region was concerned we were the first human rights group and people in the region looked up to us as. Many groups were so impressed that we had been able to

establish an organization, even under occupation. They wanted to know how we had started it? How we operated? How we were structured? We had many people very interested in our work, and our structure, and so on.

Although I wasn't in contact much with the world around me. I heard that we were an inspiration for many groups, which was a nice thing to know. But we had our own conditions and our own laws.

Stahl
Do you remember the name?

Shehadeh
No, I don't remember. But it was a book that had a wide circulation. It presented human rights cases and was written in a way that was very readable. I always hoped to do something like that to popularize the situation and make more people, not only those who are interested purely in human rights, but the general public, aware of human rights issues. When I wrote my book, Occupier's Law, I tried to do it in the same way: by writing about the cases in a narrative way and readable way.

There was also John Dugard[16] in South Africa, who prepared a report for the Ford Foundation. I think it was called the Rule of Law in South Africa or something like that.[17] His book was very well-argued, very well-done. I read it and thought, »We need a book like that for this area.« That was another inspiration.

Stahl
Within your group of coworkers, were there discussions about or disagreement about how to proceed with your human rights work during this time?

Shehadeh
Of course. There was always discussion, and disagreement, and sometimes opposition. When we first said we wanted to intervene with the authorities, some people said, »No, we cannot.« Some people disagreed about it so much that they left the organization. There was always discussion and disagreements. Sometimes, we tried to convince them.

If we succeeded, they stayed. If we didn't, then we always said, »Everyone is entitled to have their own political opinion and position, but they should be left outside of the organization. Our organization does not represent any one group or individual. We are here to serve the human rights cause. We do it in the best way possible without reference to the group. And we're not serving any faction.«

Stahl
But were there people from, for example, the PLO?

Shehadeh
Of course. We never asked. We didn't want to know. But of course there were. At that time, everybody was more or less involved with politics, especially the young people, so you couldn't avoid it. But we made it very clear – and to a large extent, it worked – that the

organization was above factionalism. Israel, however, kept saying to anybody who asked that our group was really made up of PFLP people, Popular Front people,[18] and we were really a facade to serve Popular Front. That was what they said, but it wasn't true.

Stahl
Was there, for example, one key question that was often discussed within Al-Haq?

Shehadeh
Our relations with the authorities, I think, was the main question or issue. And, there was always this question around a boycott. »We must boycott, we must boycott.« We held on to the position that we don't accept the authority, and we don't accept the occupation by communicating with them. We communicate with them without accepting them.

There was also the question of whether or not to go to the Supreme Court. That was another topic that we always discussed. There were people in Jordan who thought that our group was an alternative bar association, and they fought us on that basis. There were also people who thought that we served Western interests. There were all kinds of allegations like this made against us.

We then heard from somebody that Prince Hassan of Jordan had said in a meeting with the bar association, »Look at how much Al-Haq is doing.« Meanwhile the old lawyers in the West Bank who belonged to the Jordanian bar association are on strike and received a stipend. But they were doing nothing. He said, »You should observe how they do things.« He used us to provide an example to people. There were people on this side, and people on that side. But, by and large, after a rocky start, we were accepted and seen to be doing important work. Some things worked, and some things didn't work. I think our volunteerism worked, at least for a while, and inspired other organizations, like the medical relief group, which was also based on volunteerism.

Later on, the spirit of volunteerism did not continue, unfortunately. People thought, »Oh, they must have benefits. They must have reasons. It can't be that they're just working for the good of the society.« For some this was too much to believe.

> The spirit during the First Intifada was very good. Everyone was working for the good of the community, and there were more volunteerism and people coming together to work on common causes. It was a good time in that sense.

Stahl
During this time, the 1980s to the First Intifada,[19] what was the public perception of Al-Haq?

Shehadeh
There was an increasingly positive perception. During the Intifada, everything became much more intense and much more challenging, because the human rights violations became very widespread. We needed many more field workers to collect information. And,

we had to produce larger and more frequent reports to reflect the worsen human rights situation. We also produced yearly reports that were hundreds of pages long, and very carefully drafted. It was very hard work. Some of those reports are still available publically. They're still printed. I was surprised to find them in book stores, actually, in England.

So, the organization had to grow quickly, which was very difficult. But, the spirit during the First Intifada was very good. Everyone was working for the good of the community, and there were more volunteerism and people coming together to work on common causes. It was a good time in that sense.

Stahl
There was no criticism that Al-Haq was not doing enough because it didn't contribute to the fight?

Shehadeh
No, at least I never heard that criticism. We were killing ourselves doing everything we could possibly do. I mean, some people were critical. There was one case where somebody came with a little candle. He said that he had had a small goat farm, and somebody had burnt it. That was very sad for the goats. He thought the settlers had done it. He came with this candle, and said, »Were is Al-Haq? Where is the light? Where is the justice?« He asked, »What are you doing?« and this kind of thing. But of course there was a limit to what we could do.

Stahl
Was your main work during this time was to collect information?

Shehadeh
No. We collected information, interpreted what was happening, made it known around the world, exposed Israeli ways and practices, and showed how they violated international law. So, we focused on interpretation, research, and analysis.

Stahl
Where did you publish?

Shehadeh
Although we sometimes produced co-publications, we mainly published within the organization itself. By then, we had become well-known, and could disseminate our publications. We had a large mailing list, and we could get things out. When we held press conferences, they were very well-attended. In 1987 we began to work on putting together a conference, which was quite successful. And, we invited very well known legal scholars from around the world . It was supposed to take place in January 1988 but the Intifada started just before. So, the question was whether to go ahead with the conference or not. We decided that this was exactly the time to hold the conference and have the people attend.

This one was planned differently than most conferences usually are. We had coupled somebody local with somebody international. The local (Palestinian) side would establish

the facts and collect the information; the international side would analyze the information from the point of view of international law. At the conference, each one would present his findings.

Stahl
Those would be people from other countries.

Shehadeh
Yes, top legal scholars from other countries participated in the conference. Then the book was edited and published by Oxford University Press, International Law, and the Administration of Occupied Territories.[20] Emma Playfair was one of the researchers and the editor. It continues to be well-used by researchers and academics. It was a very good publication. We organized field trips for the people who attended. Every day the conference would take place in the morning, and in the afternoon, we'd go on field trips to various parts of the West Bank. That way, people could see for themselves what was happening. It was extremely successful.

Stahl
Up to now we have only spoken about Western groups, ICJ and Amnesty International. Was there also interest and cooperation with the groups in the Eastern Bloc?

Shehadeh
No, we didn't have any contacts with Eastern Bloc.

Stahl
They didn't try to come to you to get information?

Shehadeh
Not to my knowledge. I might be wrong, but I don't remember.

Stahl
And why?

Shehadeh
I don't know. I don't remember. I don't know why. Was there much work being done in Eastern Bloc on human rights?

Stahl
I was wondering if during this time, the 1980s up to the First Intifada, your group discussed reporting violations committed by the Palestinian side. Or was this not an issue?

Shehadeh
There were some people, especially from the outside, who were saying that we should report on Palestinian violations. We said, »We don't report for the sake of reporting. We report for the sake of trying to make a difference. And the authority that is controlling our lives is the Israeli authority. We are trying to do something with them. The PLO or Palestinian groups are outside, and we have no influence over them. And, there would be

no outcome from reporting on the Palestinians.« But, when the Intifada began, and there were killings of collaborators by activists and PLO groups, we began to change our minds. We started reporting on those killings, and tried to stop them.

Stahl
Was this a very controversial issue?

Shehadeh
It was controversial and discussed at length, but we thought that it was important, because we could not condone killings and executions. And they were happening internally, so it was more of a possibly that we could influence them. But as the PLO was outside, we couldn't get to it. We couldn't have any influence on it.

Stahl
But there was no one in the group who said, »This is impossible. If we do that ...«

Shehadeh
Of course. There were lots of discussions and controversies and people who disagreed. But ultimately, the organization as a whole decided that they had to do something.

Stahl
What was your point of view on this issue?

Shehadeh
I was for it. I was for doing something. But, I was never really sure how to wield influence and who it would be possible to influence. However, with the Israeli authorities, I had a better understanding of their structure, how to wield influence and how to go about working with them. So it was a question of how to work in that context. At present since the Palestinian Authority was established under the Oslo Accords Al-Haq does a lot of work in criticizing it. The organization has developed a lot in that way. Because the Palestinian Authority is here, and Al-Haq can influence it: they can visit the prisons, and they can speak to the people involved. The idea that you only influence an organization that is there, that you can have contact with, is, I think, important.

Stahl
That you can address and ...

Shehadeh
Yes, because otherwise you'd be doing it just to say »I'm doing it.«

Stahl
In this book you're writing about your life, you wrote, »I was an advocate of human rights, not a political activist.«[21] You also talked about an aversion to politics. So I was wondering what do you mean by »politics«?

Shehadeh
I now accept that all activities are political in some way. Even within the family, there's

politics. But I think what I meant was »factional politics«. I didn't want to be involved in factional politics. For me, at that stage, »politics« was a dirty word. I now realize that this new generation, here and in the West, who have decided to stay away from political activism are wrong. Everybody has to be involved in politics, because politics affects how you live, your life and the way you're governed. You cannot stand back and say, »I'm not concerned.« So, I've changed.

Stahl
Did this view have something to do with the fact that your father was a very strong political figure?

Shehadeh
I think it had to do with my mother, because my mother was a woman who saw herself as wanting to live her own life and not necessarily be involved with the troubles that political activism brings. She was always critical that my father gave himself a hard time. Because my father was a visionary, and he didn't say, »Oh, this would work« or »This would not work« or »I should go along with this group«. He felt he knew what was right, and he did it, regardless of the consequences, which created difficulties for him and for the family. My mother was always saying, if only her husband would stay away from politics. So in a sense, I took my mother's side. But I now realize that you have to be involved in the side you're on.

I became involved as a legal adviser of the Palestinian delegation to the Washington talks between 1992 and 1993.

Stahl
How did Al-Haq's work continue after the First Intifada? Was the organization also involved in the peace process that took place in the 1990s?

Shehadeh
We always said that we were not involved in politics. The peace negotiations were of course a political process. Nonetheless, I became involved as a legal adviser of the Palestinian delegation to the Washington talks (1992–1993). I said I would take leave from the organization during the period of negotiations. I, of course, believed in the negotiations very much. I thought that we had been working all of these years to get ourselves into negotiations with Israel in order to end the conflict.

I left the negotiations after a year. Then, of course, the Oslo agreements came. We tried to help people understand what these were about. Then I left the organization. And the last thing I did before leaving the organization was to write a book on the legal analysis of the negotiations and of the Oslo accords, which I thought was an important sort of next chapter to what I had been doing before.

Stahl
How did you become an adviser of the Palestinian delegation?

Shehadeh
It started when Haidar Abdel-Shafi, who was the head of the Palestinian delegation in the Washington talks, told me, »These are the terms of reference. We don't like these terms of reference. Given these terms of reference, we think it's going to be very difficult to get the subject of the land and the settlements involved in the negotiations. Do you have any idea about how to introduce the land and the settlements issues in the negotiations while remaining committed to these terms?« So, I studied the matter very carefully. And I had very clear ideas on how this could be done.

Then he said, »Come and join us as a legal adviser to advise us on how we can do it.« I did, but the Israelis refused to allow me to enter the room where with the negotiators were taking place. We thought the Americans would help, because you need a legal adviser. But, the Americans did not help. So, I was advising the delegation before they went into the negotiating room about which positions they should emphasize.

I realized that so many people inside and outside the occupied territories did not understand about these legal changes, the changes in the land, in the settlements, and the relationship of the settlements to the rest of the place. There was a lot of explaining and writing to do.

Then I left because I thought something funny was happening. We were not getting responses, because the delegation went to Tunis, where the PLO headquarters were at the time, to report. When they came back, they had instructions that didn't make any sense to me, and that were not in accordance with what was happening and with what we were trying to do.

I couldn't figure it out. I said, »Maybe something else is happening behind our backs, which I don't know about and which I don't understand. We are not going to get anywhere with these negotiations as long as instructions are issued which defeated everything that we're trying to do here.« I saw that it was futile, so I left.

Stahl
So it was more unease with how things developed within the Palestinian group?

Shehadeh
Well, of course, the Israelis were just repeating the same thing over and over, sticking to the limits of the terms of reference, and not really trying to reach peace. I knew exactly what Israel was doing. In 1981, they had established the civil administration by military order – a long military order. We studied that military order, and wrote a publication about it called Civilian Administration.[22]

Joel Singer, who was head of the army's international law unit, produced a response to our little booklet and published it in the Israel Yearbook of International Law. So, I knew exactly what the Israelis were thinking about how they wanted to administer the West Bank and how they wanted to establish a separate administration for the Palestinians and the Israelis living in the West Bank, which was really apartheid. I knew about how the Israelis would be related to Israel and Israeli law would apply in the occupied territories

and in the settlements. The Palestinians would be separate from the Israeli administration and from Israel.

I understood very clearly the Israeli way of thinking. I realized that what they were trying to do in the negotiations was to consolidate the military orders and structures that they had imposed. I tried to explain exactly that »This is what the Israelis are trying to do. Our mission should be to try and frustrate that, and make it impossible for them to do it.« It was a very hard task and I didn't get a response.

There were great responses amongst people in the negotiating team. But, when they went to the PLO, they were thinking in different terms altogether. They didn't understand the settlements. They thought the settlements were insignificant. They were not really in the picture and all they wanted was to get a foothold in Palestine I tried my best but I had no way of doing more. I almost killed myself trying to communicate, but at the end, I thought, »I've done what I can. And there's nothing more I can do. I will just go home.«

Stahl
Was this also kind of a problem within the group because the PLO leadership hadn't been in the occupied territories?

Shehadeh
It was partly that, and it was partly competition. The PLO was worried that there would be a local leadership that would emerge, and so they wanted to convince the Americans that the PLO would be more moderate than any emerging leadership. They kept passing messages to the Americans that said » We will be more moderate than other groups and you should therefore negotiate directly with us.«

I didn't understand this perfectly then. But there was a book written by Mamdouh Nofal, in Arabic which has not been translated. He was with the PLO and following the negotiations from their side. He wrote about what was happening on their side, and how they were frustrating the negotiating team’s efforts. That book made what was happening clear to me.

This was after the fact. But at the time I knew something fishy was happening. I knew something strange and wrong was going on but I didn't understand exactly what it was, or why and how it was happening. I knew enough to make me realize that the negotiations in Washington were a dead end.

Stahl
How did your human rights work continue during this time and afterwards?

Shehadeh
Well, I came back, and I said, »I want to leave the organization«. The organization had grown large enough and had its own resources, so it could continue without me. So I decided to leave. I had always said, »I will eventually leave.« I had always said that »I’m not building an organization in order to put myself at its helm forever. I want it to become a public organization that works for the public.« Nobody had believed me, because I was so passionately and closely involved with everything. Nobody believed that I would ever leave.

When I said, »I'm leaving«, they still didn't believe it. But I did leave.

I continued to participate in meetings where there was discussion about the legal aspects of the Oslo Agreement. I wrote things that explained the legal aspects of Oslo. Then I wrote a book which explained the legal aspects of Oslo. At the time I thought that the only thing that could now to be done was to explain the Oslo Agreement, which was the most important development that would affect our life and our human rights.

Then I became involved with drafting some laws and things like that. But, I was very upset and desperate when I saw the Oslo Accords. It made a big change in my life. I realized that I wanted to spend more time on my own writing. And I did.

Stahl
And do you still continue your work as a lawyer?

Shehadeh
Yes. But, I spend more time now on writing than on the law. But I continue to work in law a bit.

Stahl
We haven't yet talked about your work as a lawyer. We've only talked about Al-Haq. But, surely there were many interrelations between these two areas.

Shehadeh
As a lawyer I saw the development in the law. I got cases in the land and, at first, in the military courts. I was, therefore, able to keep in touch and know what issues were important to deal with for human rights. Many of the projects that Al-Haq took on were inspired by my work as a lawyer.

For example, we took on a case concerning the land use, that is zoning and land planning. The Israeli authorities were developing a roads scheme. This was a very important scheme to restructure the roads in the West Bank, to connect the settlements to each other and to Israel. Of course now, we see the full effect of the scheme. This was a human rights issue. Israel took the resources of the land, and destroyed many agricultural areas and many projects in order to build roads for only one sector – the Jewish settlements –and not for the benefit of the local population, which is in violation of international law. Now many of these roads cannot be used by the Palestinians.

So we took on the issue of land use planning. It was extremely important because most of the land was planned for the settlements while Palestinian villages and cities were confined to small areas.

Stahl
Do you remember a certain case or cases that became very relevant for your human rights work? Were there specific cases that shaped your way of thinking about these issues?

Shehadeh

There wasn't one case, there were many cases. Certainly cases in the military court shaped my thinking. The case of the road map started when villages and people who owned land said that »They're taking our lands.« We looked into it, and saw that there was a scheme, road plan number fifty.

We represented a huge number of landowners from all over the West Bank and studied the economic detriment of the road scheme. We also published a document on the legal and economic aspects of the plan. It's produced by our office.

With regard to the case concerning the use of land, there were many mayors and towns' councils who were saying »We are trying to build or produce schemes for town planning, and are being obstructed.« We took on hundreds of such town planning cases. We took on cases for a number of villages and opposed Israeli imposed town plans. We also published a lot through Al-Haq and through my own writing on this issue.

When the Oslo negotiations were taking place, I was very careful to tell the Palestinian negotiators that it's very important to make sure that when the Palestinian Authority is established, it will have the power to determine town plans for the use of land. Otherwise, everything would be kept in place, and we would be confined to small areas. Because these were statutory schemes they could last for sometimes 20 to 40 years. I warned that we would be confined to small areas, and the settlements would take the bulk of the land, which is exactly what has happened.

So that was another case that I came to know through my law practice. I had the opportunity to test certain things in the tribunals of the occupation authorities, to try and change things, to see the reaction.

I had another case that I wrote about in Palestinian Walks, called the Albina case.[23] It was located near Beit Ur al-Fauqa, which is now Bet Horon. A person had land that he had inherited from his father, and he found that some work had been done on it. We went to investigate, and it turned out that the Israeli authorities were trying to take it over in order to build a settlement. They claimed that it was public land. But, he had full proof that it was private land, and it was all well-designated, marked, and so on.

This case dragged on and on. I realized that the land registry was secret and that you couldn’t access it, which I also wrote about. I could only have learned about that through my work as a lawyer. We carried on with the case.

Finally, the court tribunal decided that this land was, indeed, private land. However, they then said that because the military had conducted the transaction with the Zionist agency in good faith, believing that it was not private land, the transaction would continue. So, I realized that you couldn’t win. How could this have been in good faith when they had all of the records and they could have checked the status of the land?

Stahl

One more issue I would like to ask you about is the cooperation between Al-Haq and Jewish human rights organizations.

Shehadeh
At first, there was no one. Israel Shahak had a group which was with the League of Human Rights,[24] I think, which wasn't very active. But, they would write reports every once in a while. There was the Association of Civil Liberties in Israel,[25] which did not focus on the occupied territories. They saw themselves as focused on civil matters within Israel. That was it, there weren't any more Israeli groups and none concerned with the occupied territories.

We had monthly meetings with Al-Haq and the Association for Civil Liberties in Israel, and Ruth Gavison came on behalf of the Association. We also met with the Red Cross and the Quaker Legal Aid Center on a monthly basis and discussed the human rights situation and what we believed were the main issues that everybody could work on.

For example, for a while in the early to mid-1980s, there was Jewish settler violence. We said that there were a lot of things happening that the police were not investigating. The various groups then become concerned, and tried to do something about it. It took a long time and then finally, so-called the Karp Report[26] was published on the matter. They tried to press the prosecution to take cases, and nothing was done.

But, we had started the process. If they had done something about it then, we would not be in the situation that we're in now where there is plenty of settler violence. But we tried. Then, I think it was in 1988, the B'Tselem group came into being.[27] We were asked whether we thought that it was good to have this group. We said, »Yes, it's good« and we cooperated with them.

Stahl
In what ways?

Shehadeh
Meeting with them, trying to do things jointly, and exchanging information.

Stahl
What did you expect from this kind of cooperation?

Shehadeh
They could do things that sometimes we couldn't. They could speak to their own society and be a part of their society. It's not like Palestinians speaking to Israeli society. We thought that that way they could influence their society. They were more careful than Al-Haq, and they didn't always take on all of the issues. In time, they became much more aggressive, and realized that they had to do more and more. Now, I think they're doing very well, although again, their influence is still not very strong.

Stahl
Did it also work the other way around? Could you raise consciousness about human rights violations going on within the Jewish territories? For example, the Bedouins.

Shehadeh

No, that is an Israeli issue and beyond the remit of Al Haq's work.

We were told that the Arab human rights group was extremely influenced and inspired by our group.

Stahl
In 1990, there was also the Cairo Declaration of Human Rights.[28] Did you notice that?

Shehadeh
We were told that the Arab human rights group was extremely influenced and inspired by our group. People from Al-Haq went to attend group meetings of the Arab human rights group and contact was established with them.

Stahl
Also when they prepared this declaration in 1990?

Shehadeh
No, we were not involved in that. It was not easy to travel to the Arab world. Also, we were very careful not to travel there because the Israeli authorities were always on the lookout for things with which to accuse us. We were very careful in what context we had relations with the outside and with the Arab groups and with the PLO. Especially that any contact with the PLO was illegal and considered as a criminal offence in Israel.

Stahl
Which groups in the Arab world did you have contact with?

Shehadeh
I think people were going to Tunis and to Egypt, or maybe not. I'm not sure.

Stahl
Were these also organizations that had the label »human rights«?

Shehadeh
They were establishing human rights organizations in Cairo and in Tunis. I really don't know very much about them, to be honest, because this was not the part that I played in the organization. There were other people who were trying to do this kind of work and who did the travelling to meet with these groups. I didn't.

Stahl
Okay. Did you have the impression that it was necessary to have something like an Arab concept of human rights?

Shehadeh
I wasn't so much into the theoretical aspects of human rights. I was more concerned about the practical aspects. But, I was aware and impressed with the ICJ, which had held a conference in Kuwait sometime in the 1960s. At the conference they produced a publication

about the rule of law in Islamic societies, and tried to develop an Islamic concept of the rule of law, which we were aware of and used.

Stahl
In what direction do you think all this has developed?

Shehadeh
Well, the good thing is that the awareness of human rights and the awareness of the importance of human rights has certainly developed to a great extent. Now everybody here, including the authority itself, speaks about human rights. After the beginning of the Oslo negotiations, some were saying, »Okay, Al-Haq was working for human rights under the occupation because this was one way of fighting the occupation. But now that this is over, you can now go home.«

It took them a while to realize that, no, human rights work ever stops. You must always be fighting for the protection of human rights, and that whoever is the authority, whether it's the occupier or the Palestinian Authority, must be subject to scrutiny according to these principles and rules. And, this is helpful for the authority itself, to keep it on good standing.

I think now, this principle has become entrenched and understood. And human rights groups are not necessarily seen as the enemy. They are seen as part of the importance of building a healthy society. There are so many more human rights groups here now. There are more people who have studied human rights, and more courses given on human rights at the Palestinian universities. There has been a great development in human rights, which is a good thing. Al-Haq is considered to be at the forefront of this, and is now highly regarded and respected. People feel that it has done great work. It has a good legacy. So, that has worked out very well.

Stahl
Thank you for this interview.

Fußnoten

1. During the so-called Civil War in Mandatory Palestine (1947-1948) between Jewish and Arab communities, Jaffa was taken by Jewish forces. Between November 1947 and May 1948 most of the Arab population fled or was forced to leave the city.

2. During the Six-Day War of 1967 between Israel and a coalition of Egypt, Jordan, and Syria, Israel occupied large territories formerly under Arab control.

3. Abdullah I bin al-Hussein (1882-1851), since 1946 King of Jordan, was murdered 1951 by a Palestinian.

4. The Hashemite are a dynasty, that rules Jordan since 1921.

5. Raja Shehadeh, Strangers in the House. Coming of Age in Occupied Palestine (London 2009), Chapter 6.

6. Avi Raz, The Bride and the Dowry: Israel, Jordan, and the Palestinians in the Aftermath of the June 1967 War (New Haven/London 2012).

7. The Palestinian Liberation Organization was established in 1964 by different Palestinian groups in order to liberate Palestine from Israeli rule.

8. American University of Beirut.

9. The International Commission of Jurists was established in 1952 in West Berlin in order to investigate human rights violations.

10. Niall McDermot (1916-1996), British Labour Party politician, 1964-1967 Financial Secretary of the Treasury. After his retirement from the House of Commons, he was Secretary-General of the International Commission of Jurists from 1970 until 1990.

11. Haim Cohn (1911-2002), 1960-1981 judge at the Supreme Court of Israel.

12. Raja Shehadeh, Jonathan Kuttab, The West Bank and the Rule of Law (Geneva 1980).

13. Amos Elon (1926-2009) was a journalist of Haaretz, frequently contributing to the New York Review of Books and The New York Times Magazine. He was an early advocate for the withdrawal from the territories occupied by Israel in 1967.

14. Charles Shamas is founder and senior partner of the Mattin Group, an organization based in the West Bank that monitors Europe's relationship with Israel and a member of the Middle East–North Africa advisory board of Human Rights Watch.

15. Insight Report, Sunday Times, June 19, 1977.

16. John Dugard (born in 1936), 1978-1990 Director of the Centre for Applied Legal Studies at the University of Witwatersrand.

17. John Dugard, Human Rights and the South African Legal Order (Princeton 1978).

18. The Popular Front for the Liberation of Palestine (PFLP) is a secular Palestinian revolutionary

socialist organization founded in 1967. It has been one of the more influential groups forming the PLO.

19. The First Intifada was a Palestinian uprising against the occupation of Palestinian territories. It started in December 1987 and lasted until 1991.

20. Emma Playfair (ed.), International Law and the Administration of Occupied Territories: The Two Decades of Israeli Occupation of the West Bank and Gaza Strip. The proceedings of a conference organized by al-Haq in Jerusalem in January 1988 (Oxford 1992).

21. Shehadeh: Strangers, p. 157.

22. Raja Shehadeh, Jonathan Kuttab, Civilian Administration in the Occupied West Bank: Analysis of Israeli Military Government Order No. 947 (Al-Haq Organisation, 1982).

23. Raja Shehade, Palestinian Walks: Forays into a Vanishing Landscape (London 2008).

24. Israel Shahak (1933-2001), chaired from 1970 to 1990 the Israeli League for Human and Civil Rights.

25. Association for Civil Rights in Israel was founded 1972 to protect civil rights in Israel. Later, it broadened its scope and worked also on human rights in the occupied territories.

26. Institute for Palestine Studies: The Karp Report. An Israeli Government Inquiry into Settler Violence Against Palestinians on the West Bank. Washington DC 1984.

27. B'Tselem was founded in 1989 by prominent Israelis in order to report about human rights violations in occupied territories.

28. The Cairo Declaration of Human Rights was adopted in 1990 by the member states of the Organization of the Islamic Conference.

Zitation

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