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June 18, 2021

Via electronic mail

Rep. Lee Zeldin	Rep. Alexandria Ocasio-Cortez
Rep. Andrew Garbarino	Rep. Ritchie Torres
Rep. Thomas Suozzi	Rep. Jamaal Bowman
Rep. Kathleen Rice	Rep. Mondaire Jones
Rep. Gregory Meeks	Rep. Sean Patrick Maloney
Rep. Grace Meng	Rep. Antonio Delgado
Rep. Nydia Velázquez	Rep. Paul Tonko
Rep. Hakeem Jeffries	Rep. Elise Stefanik
Rep. Yvette Clarke	Rep. Claudia Tenney
Rep. Jerry Nadler	Rep. Tom Reed
Rep. Nicole Malliotakis	Rep. John Katko
Rep. Carolyn Maloney	Rep. Joseph Morelle
Rep. Adriano Espaillat	Rep. Brian Higgins
	Rep. Chris Jacobs

Dear Representatives,

The Muslim Bar Association of New York (MuBANY) writes to urge your support for H.R.2590 - “Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act.” This bill serves to promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that United States taxpayer funds are not used by the Government of Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property, the forcible transfer of civilians in the West Bank, or the further annexation of Palestinian land in violation of international law. The United States Constitution exclusively provides Congress with the “power of the purse,” and surely the manner in which Congress decides to spend taxpayer dollars is a reflection of America’s values. In 2016, the U.S. signed a 10-year Memorandum of Understanding pledging to provide—subject to congressional appropriation—\$38 billion in military aid to Israel.¹ Unconditional American military aid to Israel undermines the U.S.’s reputation across the world, especially considering the leading U.S. and Israeli NGOs, international organizations and experts which have reported that

¹ *U.S. Foreign Aid to Israel*, Congressional Research Service (Nov. 16, 2020) available at, <https://fas.org/sgp/crs/mideast/RL33222.pdf>.

the State of Israel is committing serious violations of international law.² We cannot permit, and Congress should not allow taxpayer dollars to be used by any government, whether foreign or domestic, to commit flagrant violations of international law and the most basic human rights and other actions that are anathema to our nation's values. We call on you to support this bill.

MuBANY was started in 2006 and serves the educational, professional, and social needs of its members located in the greater New York City metropolitan area. It is one of the largest and most active bar associations for Muslim lawyers in the United States and is committed to advocating for justice for all communities. Our members hold positions as counsel at major corporations and government, law school professors, partners and associates at notable law firms, and leaders in the not-for-profit sector. As an organization, MuBANY has helped progress this country's values and laws by joining amicus briefs, testifying at the consent agreement hearing of a landmark civil rights case, as well as before the U.S. Commission on Civil Rights, and even addressing a State Department delegation. It is in furtherance of these values that we implore you to support this bill. It goes without saying that supporting the just and humane treatment of all people, and in this case Palestinian lives, does not come at the expense of any other group—including Israelis. Elected officials must lead with moral conviction and empathy to understand the problems here, and in particular the U.S.'s role in them. This bill is a step in that direction.

Numerous international human rights organizations, government agencies and legal experts³ have documented the ill treatment, frequent arrest, detention without due process, and torture of Palestinian children by the Israeli military system. The State of Israel denies Palestinian children the same legal rights and protection it affords to Israeli children. Every year, 500 to 700 Palestinian children are arrested, often taken from their beds in the middle of the night by Israeli soldiers and police. These children are interrogated by Israeli forces for extended periods without any guardian and routinely subjected to verbal and physical abuse. Reported methods used by Israeli military include beating, slapping, painful shackling, sleep deprivation, use of stress positions and threats of violence against family members. The U.S. State Department has noted Israel's renewed use of administrative detention allowing for indefinite imprisonment without charge or trial. Israel prosecutes these Palestinian children before a military court system that lacks basic and fundamental guarantees of due process in violation of international standards as well as Israeli military law. Based on a detailed review, UNICEF concluded that the ill-treatment of children in

² E.g., *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, Human Rights Watch (Apr. 27, 2021) available at, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; *Israel and the Occupied Territories*; Amnesty International (2021) available at, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>; *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid*, B'tselem (Jan. 12, 2021) available at, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid.

³ Section 2 of H.R. 2590 lists all statistics mentioned in this paragraph and cites to reports issued by Human Rights Watch, the Israeli human rights organization HaMoked, Center for the Defence of the Individual, the Israeli human rights organization B'Tselem, and the U.S. State Department.

the Israeli military detention system is “widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing” and that “[in] no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights.”⁴

The State of Israel routinely displaces hundreds of Palestinians from their homes in the West Bank and East Jerusalem each year. The Israeli Committee Against Home Demolitions reports that Israel has demolished more than 48,000 Palestinian structures since 1967, of which 24,000 are estimated to be homes.⁵ During the COVID-19 pandemic in 2020 alone, Israel demolished or seized 851 Palestinian homes or property, displacing over 1,000 people from their homes, including over 524 children.⁶ Simultaneously, Israel continues to establish illegal Israeli settlements in violation of international law and the Geneva Convention.⁷ There are between 400,000 and 600,000 Israeli settlers living in over 200 illegal settlements in the occupied West Bank and East Jerusalem.⁸ Israel continues to annex more and more Palestinian land while expanding illegal settlements, controlling Palestinian resources, devastating the Palestinian economy, and separating Palestinians from their loved ones.

The United States must take tangible action to ensure that U.S. taxpayer money is not being used by the State of Israel to commit flagrant violations of international law, systematic oppression, and legalized discrimination against the Palestinian people. The passage of H.R. 2590 would limit the State of Israel’s ability to use U.S. taxpayer dollars to specifically fund the military detention of Palestinian children without basic human rights and due process, the illegal seizure and destruction of Palestinian property, the forcible displacement of civilians in the West Bank, or the further annexation of Palestinian land in violation of international law. H.R. 2590 is consistent with the laws and principles of our country. Passage of this bill would send a clear message to both Americans and the international community that the United States does not allow taxpayer dollars to be used by any government, whether foreign or domestic, to commit grave violations of international law.

⁴ *Children in Israeli Military Detention*, UNICEF (Feb. 2013) available at, https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf.

⁵ Section 2, paragraph 16 of H.R. 2590.

⁶ Section 2, paragraph 22 of H.R. 2590 references a report issued in January 2021 by the United Nations Office for the Coordination of Humanitarian Affairs for this statistic.

⁷ *Israel’s Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms*, United Nations Press Coverings, 7853rd meeting (Dec. 23, 2016) available at, <https://www.un.org/press/en/2016/sc12657.doc.htm>; *Israeli Settlements and International Law*, Amnesty International, available at, <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/>.

⁸ Ivan Levingston, *Israeli Settlements*, Bloomberg (Jan. 30, 2020) available at, <https://www.bloomberg.com/quicktake/israeli-settlements>.

Respectfully,

Muslim Bar Association of New York

cc:

Hon. Charles Schumer
Hon. Kirsten Gillibrand