

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS TRÁDÁIL

### JOINT COMMITTEE ON FOREIGN AFFAIRS AND TRADE

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*Dé Céadaoin, 9 Nollaig 2015*

*Wednesday, 9 December 2015*

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The Joint Committee met at 10 a.m.

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#### MEMBERS PRESENT:

Deputy Eric Byrne,	Senator Mark Daly,
Deputy Seán Crowe,	Senator Michael Mullins.
Deputy Bernard J. Durkan,	
Deputy Olivia Mitchell,	
Deputy Dan Neville,	
Deputy Derek Nolan,*	
Deputy Maureen O’Sullivan,	
Deputy Brendan Smith,	

\* In the absence of Deputy Ruairí Quinn.

In attendance: Deputy Richard Boyd Barrett.

DEPUTY PAT BREEN IN THE CHAIR.

BUSINESS OF JOINT COMMITTEE

*The joint committee met in private session until 10.06 a.m.*

**Business of Joint Committee**

**Chairman:** Senator Daly has submitted a motion for today's meeting. I call on him to move the motion.

**Senator Mark Daly:** I am ready to move the motion but we will deal with it in Part B.

**Chairman:** Sorry?

**Senator Mark Daly:** Are we discussing it in Part B?

**Chairman:** We will deal with the motion now before we meet the witnesses.

**Senator Mark Daly:** It is under-----

**Chairman:** The motion is now.

**Senator Mark Daly:** No, it is not. It is in the public part, motion re update on the Halawa case.

**Chairman:** It is on the business now before we meet the Palestinian visitors.

**Senator Mark Daly:** No. It is stated on the agenda that the public part includes the motion re update.

**Chairman:** I do not mind. If Senator Daly wants to hold off, that is fine.

**Senator Mark Daly:** We will hold off.

**Chairman:** Okay, that is fine. I have no problem, one way or the other. I only thought Senator Daly wanted to deal with it early in the meeting.

**Senator Mark Daly:** We will hear the witnesses.

**Chairman:** Okay, that is fine. We will deal with it after the presentation.

**Deputy Eric Byrne:** On a point of information, I am confused about the motion. There seems to be a motion, which I do not have, on the update of the case. Then there is a motion here, from Senator Mark Daly, looking for the legal team. Which motion are we talking about?

**Chairman:** It is "the legal team" motion. It was on last week and Senator Daly was not present, and I decided I would put it off until this week when Senator Daly would be here.

**Senator Mark Daly:** I thank the Chairman.

**Deputy Eric Byrne:** What is Senator Daly looking for?

**Chairman:** The motion is-----

**Deputy Eric Byrne:** What are we deferring?

**Chairman:** The motion states:

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That the committee ask the legal team for Ibrahim Halawa to come before the committee and give an update on his case.

That is the motion that was submitted from Senator Daly. I propose we deal with it now. Senator Daly says it was in the agenda at this early stage, even though everybody is here.

**Senator Michael Mullins:** It is on the agenda that I got.

**Senator Mark Daly:** We will deal with it later.

**Chairman:** Does Senator Daly want to leave it or have it now?

**Senator Mark Daly:** We will leave it.

**Chairman:** I would prefer to have it now because we would get our meeting over. The witnesses are not expected in for approximately ten minutes.

**Senator Mark Daly:** We will deal with it later.

**Chairman:** Does Senator Daly wish to leave it until later?

**Senator Mark Daly:** Yes.

**Deputy Eric Byrne:** Is Senator Daly deferring the motion for a week?

**Senator Mark Daly:** No.

**Deputy Eric Byrne:** What is Senator Daly going to do with it? I need the Chairman's direction. I have not a clue where we are going with this motion.

**Chairman:** Excuse me.

**Deputy Eric Byrne:** I have not a clue where we are going with this motion. Would the Chairman give us a clear explanation?

**Chairman:** Senator Daly says it is down for later. We will deal with it afterwards, if he wants to propose to do so. I was only facilitating him by having it now.

**Deputy Seán Crowe:** Are we in public session?

**Chairman:** We are in public session. We will get the witnesses and start the presentation, and then we will deal with Senator Daly's motion afterwards. Is that agreed? Agreed.

**Trial of Ibrahim Halawa: Motion**

**Chairman:** While we are waiting on the witnesses to come in we will deal with the motion on the Ibrahim Halawa case. Would Senator Daly like to comment?

**Senator Mark Daly:** I move:

That the committee ask the legal team for Ibrahim Halawa to come before the committee

and give an update on his case.

I circulated among members the legal opinion from the legal team for Ibrahim Halawa of Doughty Street Chambers, which states that Egyptian Law 140 could be applied in the case of Ibrahim Halawa in the same way as it was applied in the case of the Australian citizen Peter Greste. There have been a number of criticisms of the Irish Government in relation to this case, which I do not propose to reiterate as this is not a political issue. It is important that Mr. Halawa's legal team be allowed to appear before the committee so that we can discuss with them what they believe can be done, as was done by the Australian Government and Prime Minister.

**Chairman:** The Government has already formally supported Mr. Halawa's release under Law 140, which is the presidential decree. That was done last February. The Government has also formally supported the application for Ibrahim Halawa's release on bail. I will meet with the legal team as soon as that can be arranged.

**Senator Mark Daly:** I am seeking a formal meeting.

**Chairman:** I do not propose to hold a formal meeting.

**Senator Mark Daly:** I propose then to put the motion to a vote.

**Deputy Eric Byrne:** The group has already been in Ireland and has already spoken to many parliamentarians. I do not see the need for duplication. The committee has more urgent issues to deal with than meeting again with people to whom we have already spoken.

**Senator Mark Daly:** There is an Irish citizen facing trial and, possibly, the death penalty.

**Deputy Eric Byrne:** The Irish Government is doing all it can for him.

**Senator Mark Daly:** I accept that as the Chairman said the Government supported an application under Law 140 but the Government has also stated, including during a meeting of this committee, that Law 140 does not apply in this case. I do not understand how the Government can on the one hand say that it would support an application under Egyptian Law 140, which is a presidential decree that would allow Ibrahim to be released, and at the same time say that that law does not apply. We need clarity on this matter.

We have all met informally with the group but I am asking that the committee meet formally with them in public session, during which members can put questions to them. I do not want the type of informal meeting during which all we will get is-----

**Chairman:** I want to say-----

**Senator Mark Daly:** We have had meetings with the Department of Foreign Affairs and Trade and the legal team but all we have thus far are conflicting views on what-----

**Chairman:** As long as I am chairing this committee it will not be a courtroom. The Department officials have already outlined to KRW following receipt of its opinion, that the Government believes that the wording of Law 140 is such that it cannot be allowed in Ibrahim Halawa's case until the trial proceedings have concluded. Based on extensive representations of Ibrahim Halawa's case at the highest level, the Egyptian authorities are unlikely to consider the application of this law under Ibrahim Halawa's case until the trial proceedings have concluded. We have supported this and I have agreed to have an informal meeting with the legal team. I have no problem doing so. The committee has taken a keen interest in this case, as has

the Taoiseach. He has met President el-Sisi more than once, including at the COP meeting last weekend in Paris, at which time he again raised this issue with him. The Minister for Justice and Equality, Deputy Fitzgerald, and Minister for Foreign Affairs and Trade, Deputy Flanagan, have also met the Egyptian Foreign Minister, Mr. Shoukry. There have been extensive representations in relation to this case. Officials from the Department of Foreign Affairs and Trade have also visited Ibrahim Halawa 48 times.

We are all interested in this case. Ibrahim will be 20 years old this month and he has spent over two years now in prison. We believe that Ibrahim's best interests lie in the law taking its course. As politicians and parliamentarians we need to be mindful, in terms of what we do, that we are not seen to be intervening in the legal affairs of Egypt. We need to be very careful in that regard and I urge Senator Daly to act with caution in this matter. I propose that the committee meet informally with the legal team. I do not want negative publicity on Ibrahim Halawa's future emanating from this committee. Let us call a spade a spade on this. With the permission of the committee, as chairman, I will informally meet with the legal team-----

**Senator Mark Daly:** Sorry, Chairman but-----

**Chairman:** Senator Daly, please allow me to speak. The committee will meet with the legal team, as it has done previously. They were also invited to attend when Dr. Christopher Ward appeared before the committee but, unfortunately, as they were delayed in traffic they did not make it to that meeting.

**Senator Mark Daly:** That was an informal meeting.

**Chairman:** We will meet informally with the legal team. I do not understand the reason the Senator is going to push this to a vote. I think he is making the wrong decision on this matter and I urge him to rethink it.

**Senator Mark Daly:** I am doing this because of the serious criticism of the Irish Government in the document before us in terms of what it is and is not doing. The fact that there appears to be no problem about meeting informally with the legal team but there is a problem with meeting with them formally indicates to me that the Department of Foreign Affairs and Trade might be upset with what the legal team would have to say about its performance. Why is it that it is okay to meet the legal team informally but not formally? Is it because, as I have outlined to colleagues, the motion calls for the Irish Government to take the same approach as the Australians in seeking the release of Mr. Halawa? The strategy the Australians employed was to use Law 140 to secure their citizen's release while he was awaiting trial.

**Chairman:** No. His trial had concluded.

**Senator Mark Daly:** I urge the Chairman to read this document.

**Chairman:** There is a great deal of misinformation in respect of this case.

**Senator Mark Daly:** I do not understand.

**Chairman:** We have used the exact same procedure as other countries. I visited Cairo in August.

**Senator Mark Daly:** Why are we agreeing to an informal meeting - without cameras, without publicity and without the clear light of day - at which questions could be put by members of the committee on this document, which states the Australian Government employed different

tactics from ours? It succeeded but we are failing.

**Chairman:** There are no different tactics. All those questions can be put informally. I believe it is in his best interests that we do not play this out in public session.

**Senator Mark Daly:** His legal team has requested that it come before the committee formally.

**Chairman:** His legal team has its own agenda. We have a role to play as a committee and I intend that we should play it. We will meet them informally.

**Senator Mark Daly:** The Chairman does not want to say it in public.

**Chairman:** If the committee agrees, we will meet the team informally. We all want to act in the best interests of Ibrahim Halawa.

**Senator Mark Daly:** His legal team has asked to come before the committee.

**Chairman:** We do not want this played out in public in such a way as could damage his case.

**Senator Mark Daly:** Damage his case? He has been in prison for two years. How much worse can it get?

**Chairman:** We cannot be seen to interfere.

**Senator Mark Daly:** We are not interfering. We are talking about doing exactly what the Australians did.

**Chairman:** Senator Daly has come here on numerous occasions and called on the Taoiseach to lift the phone. Not only did the Taoiseach lift the phone, he spoke to President el-Sisi twice in respect of this matter. We have done everything at the highest level possible. We have followed the same procedures as other countries.

**Senator Mark Daly:** We have not followed the same procedures as the Australians.

**Chairman:** I am sorry, Senator, but we have done so.

**Senator Mark Daly:** It is quite clear that we have not.

**Chairman:** If the Senator is not happy with an informal meeting, we will have no choice but to have a vote on it.

**Deputy Eric Byrne:** This debate is doing absolutely nothing to benefit this young lad and it is outrageous to be playing politics with this case. I know the family are not happy that their son and brother is in prison but Senator Daly wants us to publicly make a case on behalf of the legal team, which we have already met and which has already made its case. The Chairman has done everything in his power and the State has done everything in its power so it is disgusting because I do not believe for a moment that when the Egyptians are watching the Senator's live broadcast debate-----

**Senator Mark Daly:** Can I just say-----

**Chairman:** No, the Senator should allow Deputy Eric Byrne to conclude.

**Deputy Eric Byrne:** I am convinced that when the Egyptians see Senator Daly's contributions, their views are reinforced by every sentence he utters on Mr. Halawa's behalf.

**Senator Mark Daly:** I could not care less, Deputy.

**Deputy Eric Byrne:** It is damaging that poor man's long-term prospects to have this outrageous game of football about the case.

**Senator Mark Daly:** He has been in jail for two years and could spend two more years in jail. He is facing the death sentence and, according to his legal team, the Irish Government is not doing enough.

**Senator Michael Mullins:** I do not think anything can be gained by bringing this young man's legal team to a public meeting of this committee. The best way to handle this case is with diplomacy behind the scenes, as is happening with the involvement of the Taoiseach, the Minister for Foreign Affairs and Trade and our diplomatic team. We need to support them but having the legal team here in public session would harm the young man's case, as Deputy Eric Byrne said. At this stage, we need to continue and, if possible, increase the behind-the-scenes contact that has been taking place. Our diplomatic corps has been very supportive of this young man and I have every confidence that the contact the Taoiseach has had will bring about the desired result. We all want to see this young man back in Dublin with his family and continuing his studies. Hopefully that will happen in the very near future.

**Deputy Seán Crowe:** I support the motion. I have no confidence whatsoever in the legal system in Egypt. It is a sham trial of a huge number of people. The case has been cancelled on a number of occasions on the basis that witnesses have not turned up. It is an absolute joke to see the legal system in Egypt and I do not see how anyone can have any confidence in it. The Chairman said the law will take its course but there is no law relating to this country. What is happening is an absolute joke. People are being arrested and held, as in this case, for years. This young man was 17 years of age when he was arrested. On 19 December, he will be 20. He was on hunger strike at one point for 40 days and the last I heard was that he was still on hunger strike.

I do not see the harm in bringing in the legal team, the members of which believe that the direction the Irish Government has taken in this case is wrong. I would like to hear formally what they actually say. I do not see what harm it would cause if we, as a committee, felt so strongly about the case that we formally met with individuals and groups involved with it. People have argued that we should do it on the quiet and that this is in the best interests of Ibrahim but we have already taken this approach and he is still in jail. I urge the Chair and other members to think again. I have formally met the Australian legal team on the Peter Greste case and the information they gave me was the opposite of what we were being told in this committee. We were told he was no longer charged but the legal team told us he won his case and the Egyptian authorities appealed the ruling, meaning he was still formally under charge. Ibrahim has also been formally charged but we seem to be getting conflicting information and there is now an urgency to this case. I do not know of any other Irish citizen who is facing the death penalty and there is an onus on us to do everything we can to save this young man's life.

**Deputy Olivia Mitchell:** I support what the Chairman is saying. We risk damaging his prospects of ever getting out of that jail. He may have been there for two years now but he could be there for his whole life. We have taken the Government-to-Government and Minister-to-Minister approach. We have taken the diplomatic route and our Taoiseach has met Egypt's



President. It is the Egyptian state versus Ibrahim's legal team and if we formally invite the legal team, which is on the opposite side to the Government we are trying to persuade, it can do nothing but damage his case.

**Deputy Richard Boyd Barrett:** I absolutely support this motion. The el-Sisi regime is instituting a reign of terror against its own citizens and anybody who is involved in even the mildest form of opposition political activity. It is a sham. These are show trials and have nothing to do with anything one could describe as proper legal process. If we leave Ibrahim to be the subject of a show trial in a sham legal system, which is designed to do nothing but instil terror in the citizenry and opponents, it would be an incredible abdication of our responsibility as fellow citizens and as the political authority which is supposed to protect the rights of our citizens. At the least, we should hear what his legal team has to say about the ridiculous, nonsensical and cruel process he is being put through and what we can do to help. I appeal to the committee to hear his legal team because this has gone on for too long.

**Chairman:** We are hearing what his legal team has to say and I have offered to meet the team informally. Perhaps the Deputy is not up to date on this.

**Deputy Richard Boyd Barrett:** I mean formally.

**Chairman:** No, it should make no difference whether the meeting is formal or informal.

**Senator Mark Daly:** If it makes no difference, why do we not do it?

**Chairman:** I and most people believe it is not in his best interest to play this out in public. We are all here in the interest of getting this young man out of prison. Deputy Boyd Barrett was not here at the start of this meeting so let me say that we have acted with responsibility on this issue.

The question was asked why the Taoiseach does not lift the phone. Not only did the Taoiseach do that, he met President el-Sisi twice. He met him last week at the COP21 meeting in Paris also and outlined the case. The Minister for Justice and Equality, Deputy Fitzgerald, has met the Egyptian Minister for Foreign Affairs, Mr. Shoukry, and our Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, has met him twice. I also met the foreign Minister. Everything possible has been done at Government level in this regard. The Government has carried out all the steps outlined in the legal opinion and has followed the same steps the Australians did in the Peter Greste case. We have acted with honour on this issue because we want to try to get this man freed. We want to act in his best interest, not to play this out in a so-called courtroom here.

We are doing our best for this young man. Our embassy staff in Cairo are doing their best and they have met him 48 times since he was incarcerated. It is wrong that he is more than two years in prison and we all agree on that. We are all here for the same reason, to get this man released. However, we believe this is the best way forward. The case is coming up on 15 December and we hope some result will be achieved at that and that the young man can be home in the new year. That is our goal. It is the goal we all want.

**Deputy Bernard J. Durkan:** I apologise for being late, but I was watching the proceedings. I have been involved in similar situations previously and at no time were there public meetings on the issues, although there were numerous informal meetings held with legal teams dealing with the people imprisoned. I am strongly of the same opinion as the Chairman, that the way to deal with a situation of this nature is to do so discreetly, using all the available resources



- the resources available to this committee, to the Government, to the Minister for Foreign Affairs and to the Minister for Justice and Equality. This is in train.

We can second-guess those in the front line dealing with the situation and suggest the issue be dealt with in a different way, but that is not how courts work. Democracy means different things to different people, particularly in different situations and different countries. Not all countries observe the same democratic rules that apply in some countries. We like to think ours is a highly sensitive democratic society. I believe the approach taken so far is the correct approach and that we should continue in this manner.

**Senator Mark Daly:** I have circulated a copy of the legal opinion, but I know members may not have had the opportunity to read it. There are a number of discrepancies in regard to what we have been told at this committee in this regard. This has nothing to do with the court case in Egypt and we are not asking the Government to do anything in this regard. We are asking for information on what happened in regard to law No. 140. The document I circulated lists six key points written by the legal team. It states that, to date, the Irish Government has maintained law No. 140 cannot be applied to Mr. Halawa until Egypt's criminal proceedings against him have concluded. This has been said repeatedly here in this committee and the same message has been e-mailed to us time and again. However, it is clearly not the case. The legal opinion indicates that the Minister for Foreign Affairs and Trade, Deputy Flanagan, has incorrectly said that Peter Greste was not, strictly speaking, in the course of trial proceedings when he was returned to Australia and that law No. 140 clearly allows for the transfer to Ireland of Mr. Halawa prior to the final judgment being given in his case. The Australian Minister for Foreign Affairs, Ms Julie Bishop, noted on Mr. Greste's retrial that he is now back in the position of an acute person awaiting trial. Again, we were told that Ibrahim Halawa could not be dealt with until after a trial, but that was not the case for Peter Greste. We were given different information in this committee by our Department of Foreign Affairs and Trade. We were told we had to wait until after the trial.

The opinion of Ibrahim's legal team is that it is clear the Irish Government could still do more to secure Mr. Halawa's release. It would be great if we could hear in public session what more we could do. We urge the Government, under Taoiseach Enda Kenny, to take the same approach as Australia in seeking the release and return of Mr. Halawa. To save everybody the bother of having to read the entire document, I will explain our request. While we note the Irish Government's discussions with the foreign prosecutor for Egypt, it is clear the Government can still do more in regard to securing Mr. Halawa's release. We note that Peter Greste was released only after repeated public requests made by the Australian Prime Minister to President el-Sisi, the Australian Minister for Foreign Affairs to her counterpart in Cairo and sustained efforts by the Australian ambassador. We urge the Government to do this. The Australian process related to law No. 140, which relates to a presidential decree and has nothing to do with a court case. It secured the release of Peter Greste prior to a trial.

**Chairman:** We supported the application of law No. 140 last February.

**Senator Mark Daly:** No, you said-----

**Chairman:** We did. The Senator is talking about we can do at the highest level.

**Senator Mark Daly:** What we were told was that law No. 140 could not apply because he was awaiting a retrial.

**Chairman:** We supported using it. The Taoiseach met President el-Sisi.

**Senator Mark Daly:** Why at the same time is the Government saying it cannot do anything until after a retrial?

**Chairman:** That is because we cannot interfere in the legal system of a country.

**Senator Mark Daly:** We are not talking about interfering in a legal trial. We were told time and again we had to wait for the trial, yet the Australians were able to have law No. 140 applied prior to trial.

**Chairman:** We supported using law No. 140.

**Senator Mark Daly:** And failed, but the Australians succeeded.

**Chairman:** They did, after the trial.

**Senator Mark Daly:** No, before the trial. Now we come to the nub of the issue. It is quite clear. The Australian Minister for Foreign Affairs said in regard to Greste's retrial that Greste was now back in the position of an accused person awaiting trial-----

**Chairman:** That is the retrial, we are talking about the first trial.

**Senator Mark Daly:** -----which is the exact same legal position as that of Ibrahim Halawa today.

**Chairman:** No, it is not. The Senator is misrepresenting the whole position.

**Senator Mark Daly:** What they did-----

**Chairman:** We are not going to agree on this today. All I can tell the Senator is-----

**Senator Mark Daly:** Anybody who met the legal team would understand clearly that Mr. Halawa is in the exact same position as Peter Greste.

**Chairman:** He is not, because he has not had a trial yet, unfortunately.

**Senator Mark Daly:** Neither had Peter Greste. He was awaiting retrial.

**Chairman:** Let me be clear. We have adopted the very same approach as the Australians did.

**Senator Mark Daly:** And failed.

**Chairman:** It is up to the Egyptians. We cannot interfere in their law.

**Senator Mark Daly:** We are not interfering in their law. We are asking them to apply their law.

**Chairman:** We are. I have agreed to meet the legal team informally. We can get the same information informally as we can formally. I do not know why the Senator wants this in the public domain.

**Senator Mark Daly:** It is because there are discrepancies between what the Department of Foreign Affairs and Trade has said time and again and what Mr. Halawa's legal team has said.

**Chairman:** The Senator is very wrong about the Department. This case has been high on its agenda.

**Senator Mark Daly:** How long did it take to get an ambassador out there?

**Chairman:** That has nothing to do with the case. That comment undermines our team out there and is an unfair comment.

**Senator Mark Daly:** That does not undermine the team.

**Chairman:** It is an unfair comment to make about our diplomatic team.

**Senator Mark Daly:** When the Chairman says it is a matter of priority but we do not have an ambassador out there, how is it a priority?

**Chairman:** I have been out in Cairo and I have seen how hard-working the two people are. In fact, they are doing little else apart from working on this case. The Senator's comment is very unfair.

**Senator Mark Daly:** I am not saying anything against the people out there. I am asking why it took so long to get the ambassador out there.

**Chairman:** We are not going to agree, so I am going to call the vote on this.

**Senator Michael Mullins:** Before we go to a vote, may I put a question to Senator Daly? What different information is the legal team going to give us in public that it will not give us in private?

**Chairman:** I do not know. That is up to Senator Daly.

**Senator Mark Daly:** The issue is that there are discrepancies between what the Government is telling us now and what the legal team says.

**Chairman:** There are no discrepancies. The Senator is playing politics here. I must move on because it seems there will be no agreement on this. Is the Senator pressing the motion? I will allow Deputy Boyd Barrett make a brief comment.

**Deputy Richard Boyd Barrett:** I believe a public hearing at this committee would assist the work of our people in Cairo and that of any representatives.

**Chairman:** No, it might do the exact opposite.

**Deputy Richard Boyd Barrett:** It would assist them. The only thing that will move the el-Sisi regime is pressure.

**Chairman:** Our Prime Minister, the Ministers for Foreign Affairs and Trade and Justice and Equality and the Department have put that pressure on.

**Deputy Seán Crowe:** Deputy Durkan and I met the Australian lawyers informally. I have a different memory of that meeting from the Deputy.

**Chairman:** It is all about interpretation.

**Deputy Seán Crowe:** His version of what those lawyers said is the opposite of my understanding of what they said and, therefore, that is another reason I want a formal meeting that is

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minuted and from which we can come back with accurate information. I do not know how that can be done.

**Deputy Bernard J. Durkan:** It is only fair that I should respond to that. I have a fairly good memory. I am clear as to what happened at the meeting and I will repeat it verbatim, if necessary-----

**Senator Mark Daly:** Absolutely.

**Deputy Bernard J. Durkan:** -----because the legal adviser gave a clear indication to at least two people who were present, including Senator Daly, that he did not to propose to have this issue used as a political football and he would not facilitate it. Is that true or false?

**Chairman:** Through the Chair. I was not at the meeting.

**Deputy Bernard J. Durkan:** I was at it. Two people, one of whom was Senator Daly-----

**Senator Mark Daly:** What Deputy Durkan is not stating clearly is-----

**Deputy Bernard J. Durkan:** The Senator has probably forgotten that part of the discourse.

**Senator Mark Daly:** The key issue is whether they are in the same legal position. If the Deputy was representing the interests of Ibrahim Halawa, he would turn around-----

**Chairman:** I have rarely banged the hammer previously but I am doing it now.

**Senator Mark Daly:** The Chairman might as well. It might be his last use of the hammer.

**Chairman:** The Senator obviously does not believe anything the Government or I tell him. He has his own agenda on this.

**Senator Mark Daly:** There are discrepancies between what the Government has said at different times.

**Chairman:** Is the motion agreed?

**Senator Mark Daly:** No.

Question put.

The Committee divided: Tá, 7; Níl, 4.	
Tá	Níl
Breen, Pat.	Crowe, Seán.
Byrne, Eric.	Daly, Mark.
Durkan, Bernard J.	O'Sullivan, Maureen.
Mitchell, Olivia.	Smith, Brendan.
Mullins, Michael.	
Neville, Dan.	
Nolan, Derek.	

Question declared lost.

**Chairman:** I have said before that the joint committee wants to do what is in Ibrahim

Halawa's best interests. I will accede to an informal meeting with the legal team as a matter of courtesy. Given that it has requested a meeting with us, we should accede. I am disappointed there was a vote on this because everyone on the joint committee wants to see this young man freed. That is our goal. Some of us feel that the best way forward is not to deal with it as if the joint committee were a court of law but rather to address it in the way that is in the best interest of Ibrahim Halawa. The world is watching us today on live television.

**Deputy Eric Byrne:** I support the notion that we accede to the request by the legal team to speak with it. I feel really sick in my stomach that anyone should think today's debate has aided one iota the early release of Ibrahim Halawa. Anyone who thinks that is sick in the head. I resent deeply the use of this poor man's situation as a political football.

**Deputy Seán Crowe:** I presume we are resuming the debate. There is a difference of opinion on this. While we all want to see Ibrahim home and safe with his family, there are clearly divergent views on the committee on the best way to achieve that.

**Senator Mark Daly:** His 20th birthday is on 13 December and his trial is on 15 December. My concern remains that we have been told different things at different times by our Department of Foreign Affairs and Trade in relation to what can and cannot be done for Ibrahim Halawa on law No. 140 and the presidential decree. Other countries have succeeded but we have failed to do for our citizen what the Australians did for Peter Greste. The reason I want to see the legal team here has nothing to do with the Egyptian legal system or the trial there. It is about what our Government should be doing in the same way as the Australians. If one reviews the correspondence we have received from our Department of Foreign Affairs and Trade, there are consistent discrepancies on law No. 140 and what can and cannot be done. I am disappointed that we did not want to meet in public session because if there is criticism, let it be heard in public. My concern is that the Government members do not want to hear the criticism of our Department of Foreign Affairs and Trade in relation to what it should and should not be doing on this case.

**Chairman:** I have said it before but obviously the Senator is not listening to me. The Irish Government has followed in the same lines as the Australian Government.

**Senator Mark Daly:** It has not.

**Chairman:** I am sorry but that is the information I have.

**Deputy Bernard J. Durkan:** What concerns me most of all was the concern expressed by the legal team that this issue would be used as a political football. Obviously, Senator Daly does not recognise that the Irish Government is doing everything possible in the appropriate fashion in this sensitive situation which could affect the liberty or the life and well-being of the individual concerned.

**Senator Mark Daly:** That might be Deputy Durkan's view but it is not the legal team's view of it.

**Chairman:** I am going to move on. I do not want an argument.

**Deputy Bernard J. Durkan:** I am not gifted with the all-seeing foresight Senator Daly obviously has. I am not gifted with his knowledge of international affairs, obviously. He can make any political capital he likes but he should not use the possible life of an Irish citizen in pursuance of his objectives of a political nature.

## SITUATION IN PALESTINE: DISCUSSION

**Chairman:** We are moving on, in public.

**Senator Mark Daly:** It is quite clear the criticism being levelled at the Government-----

**Deputy Bernard J. Durkan:** The problem is the Senator does not recognise the Irish Government. Does the Senator recognise the Irish Government? He does not.

**Chairman:** Democracy has taken place. We have had our vote and I am going to move on to our main business.

**Senator Michael Mullins:** Is it agreed that we meet the legal team?

**Chairman:** I propose that we meet the group informally. That was the whole idea behind the motion. It was to meet the group at the earliest opportunity. I ask the legal team to contact the secretariat and we will meet it. Let us be quite clear; we have no problem meeting it. We will meet it informally and deal with this in a constructive way as any committee would deal with something like this. As politicians, we are elected by the people to deal with the matter in the best interests of Ibrahim Halawa.

### Situation in Palestine: Discussion

**Chairman:** I welcome the witness, Dr. Bernard Sabella, a member of the Palestinian Legislative Council. I extend a very warm welcome to him this morning and apologise for the delay as we had matters to attend to within the joint committee itself. It is timely to have Dr. Sabella here today. I welcome also our good friend, the ambassador and head of the Palestinian mission in Ireland, H. E., Ahmad Abdelrazek. We have an opportunity today for the joint committee to hear a first-hand account of the current situation in Palestine, in particular in view of the recent escalation of violence. The format of today's meeting is that Dr. Sabella will make an opening statement followed by questions from members of the joint committee. I remind members and those in the public Gallery to switch off their mobile phones. They must ensure they are completely switched off for the duration of the meeting as they do cause interference even in silent mode with the recording equipment in the committee room. The meeting is being broadcast live on Oireachtas TV across various media platforms.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the Houses or an official either by name or in such a way as to make him or her identifiable. By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if witnesses are directed by the Chairman to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I invite Dr. Sabella to make his presentation.

**Dr. Bernard Sabella:** Allow me first to thank the Chairman and members of the joint committee for extending this invitation. The reality on the ground today points to this cycle of violence as having had a toll of 120 Palestinians killed, including 30 children, some as young as 14, and thousands injured. On the Israeli side, according to Office for Co-ordination of Humani-



tarian Affairs, OCHA, 17 Israelis have been killed and more than 160 injured. The immediate reason for the current cycle of confrontation was the provocative visits in September during the Jewish high holidays of right-wing religious Israelis, including some politically influential persons, to the Noble Sanctuary, al-Haram al-Sharif, where the mosques of al-Aqsa and the Rock are found - the golden dome in Jerusalem.

Some of these visitors, contrary to the *status quo* of this Muslim holy site, used their visit to pray on the holy compound. This led to fears and anxiety among Palestinians that the real intention of the visits is to eventually divide the holy compound and thus to go counter to the *status quo*. The Islamic religious authorities allow visits unhindered to the holy site but not to use the visits to provoke the Muslim faithful. In addition, the Israeli authorities have imposed access restrictions on entry of Muslims to the holy site and increased the number of visits by senior Israeli officials and prominent right-wing figures, which further reinforced the fear that the real intention is to change the *status quo* of al-Haram al-Sharif. As a result of confrontations, dozens were injured and damage was caused to the holy site.

There is an indigenous Christian community in the Holy Land, which altogether between Israel and Palestine totals between 165,000 and 170,000 indigenous Christians. They are Palestinians who speak Arabic, celebrate Christmas and who are 100% Palestinian. They feel Palestinian like myself, despite the name that sounds either French or Italian. However, we are bona fide Palestinians. The heads of 13 officially recognised churches in Jerusalem came out with a statement in which they said:

We condemn all threats of change to historical (*status quo*) situation in the al-Aqsa Mosque (Haram al-Sharif) and its courtyard, all buildings, and in the city of Jerusalem. Any threat to its continuity and integrity could easily lead to unpredictable consequences which would be most unwelcome in the present delicate political climate. Muslims have the right to free access and worship to the al-Aqsa Mosque.

As this confrontation continues, the change in open-fire orders by the Israeli authorities and the increase of minimum sentences for stone throwing and the imposition of heavy fines on parents of minors who commit these offences have all led to a worsening of the general climate not simply in Jerusalem but across the entire occupied Palestinian territory. As a result hundreds of Palestinians have been killed, thousands have been injured while scores of Israelis have been killed and more than 100 have been injured. Some of the implemented open-fire orders amount to extra-judicial killings, as pointed out by human rights organisations, both local and international, and by UN special rapporteurs on human rights in the occupied Palestinian territory - Makarim Wibisono and Christof Heyns.

However, aside from this religiously motivated development, the overall situation in the Palestinian occupied territories drives Palestinians, particularly young people among us, to despair. We are also desperate. Israeli settlement expansion in the West Bank continues unabated and the refusal of the Israeli Government to desist from housing expansion in these settlements and the construction of new ones has been the primary cause for the impasse in the political process. In addition, there was violence by Israeli settlers on the night of 31 July 2015. Two young settlers fire bombed the living room of the Dawabsheh family in the Palestinian village of Duma in the Nablus region, which is north of Jerusalem, and this resulted in the tragic immediate death of Ali, an 18-month old baby and the death of both his father Sa'ad and his mother Riham, who succumbed to serious burns on 8 August and 7 September, respectively. This has have left all of us in Palestine and those of goodwill worldwide, including some key Israelis, in



a state of shock.

All these developments dim the hope not only of the political process but also of the two-state solution. The recent decision of the EU to label settlement products, which is commended, has been countered by an Israeli Government decision to stop discussion on the political process with EU institutions. Clearly, there is a lack of political will and leadership among the Israeli authorities and this is being reflected on the ground with further escalation and continuing confrontation. According to the UNOCHA Humanitarian Bulletin monthly report of September 2015 in the occupied Palestinian territory, the Deputy Secretary General of the UN, Mr. Jan Eliasson, said:

The crisis would not have erupted if Palestinians had a hope of a viable state of their own. The de-escalation of violence together with urgent and real progress towards a negotiated two-state solution are crucial.

The UN Security Council expressed grave concern and called for “the exercise of restraint, refraining from provocative actions and rhetoric, and upholding unchanged the historic status quo” at the al-Haram al-Sharif, the Noble Sanctuary. It must be noted that past UN resolutions have declared Israel’s unilateral annexation of east Jerusalem, which is the Palestinian Arab part of Jerusalem, unlawful.

We are certainly a people who want life and love freedom. This love is reflected in our desire to exercise our inalienable rights to end occupation, establish our own Palestinian state and live side by side with Israel in a normal and mutually respectful relationship, not one of occupier and occupied. This is the most elementary right if we are to proceed towards a life of independence and dignity.

Our Palestinian people are thankful for all of the political, economic, educational support that Ireland and its great people and Government have given us. I have been a teacher of sociology at Bethlehem University for 25 years. There was a special ten-year or 15-year arrangement between it and University College Dublin, UCD, under which Irish and Palestinian educators worked together side by side. For some time, I was a part of that process. We appreciate this aspect of Irish-Palestinian co-operation.

I repeat my thanks to the distinguished Joint Committee on Foreign Affairs and Trade for inviting me to address its esteemed members. We trust that their continued support to Palestine and its cause is essential for our legitimate struggle towards ending occupation and establishing our own state. We hope that, through this process, we can reach a real peace in our region. Shukran min Filistin, thanks from Palestine.

**Chairman:** I thank Dr. Sabella.

**Deputy Brendan Smith:** I welcome Dr. Sabella and thank him for his succinct outlining of a grim picture of Palestine. He depicted the significant loss of life in recent times, the injuring of so many people and the poor and desperate conditions in which people are living. One of the central tenets of the presentation related to the additional problems arising from the expansion of Israeli settlements and construction.

As Dr. Sabella is aware, the Dáil and Seanad passed non-binding motions more than a year ago recognising the state of Palestine. What significance does Dr. Sabella believe would formal recognition by Ireland and other EU member states have? Could that help to unlock the negotiations in the Middle East peace process? It would afford greater parity of esteem and status

in the negotiations.

A theme in Dr. Sabella's final sentences was that the realisation of a two-state solution was becoming ever more difficult. Is it becoming more distant? Individually, the EU's member states have the competence to give recognition to the state of Palestine. If a large number of them recognised it formally, would that provide major leverage in support of Palestine's just demand for a peaceful co-existence with a neighbouring state?

I thank Dr. Sabella sincerely for his contribution. I also welcome the ambassador and his colleagues.

**Deputy Bernard J. Durkan:** I welcome our guests and thank them for appearing before us. We have traversed this subject many times. Unfortunately, I fear that we will continue doing so. I have always held the view that as long as any discussion or negotiation is suspended, there can be no progress. Everyone resiles to his or her respective position, past ills are reintroduced and there are reprisals and counter-reprisals. The UN and, in particular, the US and the EU, both of which have influence in the area, should apply all possible pressure on the various parties to bring about an ongoing discussion whereby grievances could be aired and presented to an independent arbitration body of some standing. This small initiative would at least begin a process. It may well be a process about a process or a discussion about a process, but at least something would be happening. A political vacuum will cause the fermentation of the ills that have beset the area for generations.

I do not want to go on because we have all spoken about this issue many times. We must congratulate those who, like our visitors, have made a positive contribution down the years and continue to do so. Not everyone does the same thing at the same time, although that would be a help.

**Chairman:** I will call Deputy Crowe now, as many questions are overlapping. Deputy Byrne will follow him.

**Deputy Seán Crowe:** I welcome our guests and reiterate my party, Sinn Féin's support for and solidarity with the Palestinian cause, the ending of Palestine's illegal occupation and the right of Palestinians to self-determination in terms of their own state.

Dr. Sabella mentioned that the recent upsurge in violence in Israel and Palestine was linked to the actions of right-wing, ultra-religious groups violating the *status quo* at the al-Haram al-Sharif site. What measures can be implemented to ensure that the historical *status quo* is enforced and respected? There has been political cover from the Israeli side for some of the actions in question. There is documented evidence of Israeli security forces and citizens carrying out extrajudicial killings. Will Palestine bring legal cases at an international level against those involved?

Regarding the labelling of settlement goods, our guests know that the EU recently introduced labelling regulations. These are a welcome first step but much more can be done. Should the EU ban goods from illegal settlements entering it? Due to the dire situation caused by the occupation and human rights abuses, the national elections in Palestine have been postponed. I understand that there are complex political and security issues but has there been any movement towards holding the elections in the near future? What impact will the so-called transparency Bill, under which members of NGOs will be tainted as foreign agents, have on Palestinian groups as well as Israeli NGOs?

**Chairman:** A few questions have been asked, so Dr. Sabella might answer them now before I revert to the next three members.

**Dr. Bernard Sabella:** I will answer Deputy Smith first.

On the question of recognition, I feel that Europe should do more. We get frustrated because we feel that Europe is a supporter, financially and politically, of the Palestinian cause, not because there is any love between Europe and Palestine but because there is an interest in finding a solution to the problem between the Israelis and the Palestinians. Recognition could be an excellent way of putting pressure on Israel to end the political impasse. As mentioned, as long as the political impasse continues a two-state solution will not be possible. There are people who would argue that a two-state solution is no longer possible. If the Israelis are ready and willing to give us equal voting rights, then we, as Palestinians, will support a one-state solution. However, we will not agree to a so-called security controlled system to control Palestinians at all times. In the long run, control will not work. It will lead only to a repeat of these cycles of violence every three or four years. In other words, we would live ten years in relative quiet and calm but this would then be followed by a cycle of violence which lasts for two or three years and so on, while the Israelis continue to expand their settlements. There can be no two-state solution. Therefore, recognition by Europe of a Palestinian State - I speak in this regard of recognition not only of parliaments but of governments - could be a way forward. We cannot continue as we are.

I subscribe to Deputy Durkan's suggestion in regard to the establishment of an independent body through which the UN, US and EU could bring pressure to bear to stop this political vacuum and get things moving. The only way to halt the violence is to return to political negotiations. Israel needs to agree to stop expansion of its settlements and to return to political negotiations. We are not asking for anything that is above and beyond the ability of Israel to deliver on but it does not wish to do so. Therein lies the problem. Israel also needs to respect the integrity and sanctity of the holy sites. My colleagues in the Palestinian Parliament often quote the violence against the church in Tiberias, which, I think, is run by the German Dominicans or another religious order. Two Israeli Messianic Jewish youngsters burned down that church. We must respect the integrity of each other's holy places. If we do not do that we play with fire, and we play with fire internally. The situation then escalates into confrontation between the two states.

There have been no legal cases against those who committed extrajudicial killings. This situation is further complicated by the fact that social media has been instrumental in illustrating the criminality in some of these cases of extrajudicial killings. People are affected by this. During a recent visit to Bethlehem a taxi driver, who was approximately 25 years old, told me that on the previous night the Israelis went into a hospital in Hebron and killed the cousin of a person they sought to arrest, who was injured and being treated in the hospital. The taxi driver, who had never finished high school, asked me if it was acceptable to the world community that Israeli people could go into a hospital to arrest an injured person being treated in that hospital and in the process kill his cousin? The scenes of that arrest and killing were shown on Facebook. I have seen them. This type of activity heightens emotions.

Israel needs to also respect basic international human rights obligations. It cannot hide behind the argument of terror. The question of recognition is more important now as we are all fighting the terror that is ISIS. Islamic State, or what in Arabic we call, Daesh, is a threat to all of us. Whether or not Europe believes it, we have shared values. For example, Christians and Muslims in Palestine have lived together for years. They have attended school together and have worked together in hospitals, government offices and in the Palestinian Parliament. We

share the views of an Islam that is open and tolerant and acknowledges others. In my view, it is important that Europe, in its fight against terror, also recognises that the Palestinian issue, in terms of friction and conflict, exists not only in the Middle East but worldwide. We share with Europe the will to fight terror. We are against terror. That is the position of all in the Palestinian Legislative Council.

We are hoping to have elections but elections in Palestine are not like elections in Ireland. I understand the next election in Ireland will take place in March. I wish everybody good luck. In Palestine, issues that must be factored into the holding of elections include whether Israel would allow us to hold an election, if Hamas, our rivals in Gaza would participate in the elections or even agree to them, or if the current situation of conflict and confrontation would allow for the holding of the elections. There are many issues arising that make it difficult for us to hold elections. Any decision in that regard will not be one for Palestine alone. I was elected in 2006, when I won one of two Christian seats for the city of Jerusalem. I was supposed to finish my tenure as a parliamentarian four years later in 2010 but I am still there five years later. It is not acceptable to me and to most of my colleagues in the Palestinian Parliament. We are anxious to go forward and hand responsibility to the younger generation. We have a problem in that regard.

On the question of transparency and NGOs, unfortunately some in the Israeli Government wish to use the transparency argument to control NGOs, even Israeli NGOs, that call for a political solution and support non-violent means and measures, such as boycotting settlement products

**Deputy Eric Byrne:** I welcome Dr. Sabella. His diplomatic team in Ireland does wonderful work. Its members are forever lobbying us politicians, so Palestine is well represented by its embassy staff.

This is a complicated issue that has been torturing me for years. We had a very good Palestinian colleague, Dr. Yousef Allan, who died in office in this country. He was the forerunner for the creation of the embassy. I took part in the Palestinian elections in 1994. During the first Palestinian Authority elections I was based in Jenin.

**Dr. Bernard Sabella:** That was in 1996.

**Deputy Eric Byrne:** Yes. We also met Yasser Arafat in Tunis. We saw developments taking place in Ireland, and the Irish Government was very sympathetic to the Palestinian cause. We opened many doors, and I applaud Dr. Sabella's recognition of Ireland's role on the Palestinian issue. We pride ourselves on having made a great deal of progress for the Palestinian cause at various international bodies. I congratulate the diplomatic team from Palestine. The Palestinian flag now flies freely among the flags of the nations of the world at the United Nations, which is an important step forward. Dr. Sabella will have noticed the row that was caused by the Israelis in reaction to Palestine's membership of UNESCO, which Ireland was instrumental in pushing. I also congratulate Palestine on its rather belated arrival on the International Criminal Court, ICC, which again has caused Israel to think twice. Palestine has done wonderful work in the diplomatic arena, not just in Ireland but throughout the world. Its embassy staff throughout the world have a greater status than they had heretofore.

My problem, now, is that while we wish to recognise the state of Palestine, how can we recognise a non-existing state given the conflict between Fatah and Hamas? Let us call a spade a spade. Hamas controls Gaza while Fatah controls the West Bank. There is a single govern-

ment but is it acting as a government? I am putting the ball back in the Palestinian court by asking Dr. Sabella to advise me on when he thinks it will be possible to create unity of purpose between Hamas in the Gaza Strip and the West Bank.

Dr. Sabella mentioned people becoming sceptical as to whether there can be a two-state solution given the intrusion by the Israelis with the building of settlements. Is there a plan B if there is no two-state solution? Is plan B a unitary state? Is it too much to hope that there would be a state that would give equal recognition to Palestinians, Jews, Moslems, Catholics and so forth? Speaking of religion, I compliment the religious people, some of whom are from Ireland, who go to these very troubled areas and act as witnesses and observers. They are religiously motivated, which is fine, but they are a peace corps element out in the field. I congratulate them. Some of them, tragically, have lost their lives, including an American lady.

Palestine has made much progress, helped by Ireland, in the EU. Labelling the origins of goods and the fact that produce from the occupied territories cannot be labelled as Israeli goods is another indication of that. The diplomatic movement is happening, and it is growing in strength and respectability in the world. However, to return to Hamas, Fatah, the West Bank and Gaza, how can we be convinced that the unity of purpose exists so governments can feel confident enough to applaud the state of Palestine?

**Deputy Maureen O’Sullivan:** I was forcibly struck by Dr. Sabella’s comment that Palestine is powerless to go ahead with elections and that its right to hold elections depends on many forces outside, despite the right of the Palestinian people to have elections. Some of the points he made were made by the committee recently when it met an Israeli delegation. One point was that Palestine is not the enemy and that there is even more potential for Palestine and Israel to work together given the other very serious threats in the Middle East.

I met some of the Bethlehem students a few months ago. It is always disappointing to hear about their colleagues who are not allowed to travel. Other governments could do more to ensure that students have the right to travel and visit other countries. What has been shown up is the ineffectiveness of what is happening at the United Nations, regardless of what resolutions are passed and the reports from the special rapporteurs. How can we get the peace process back on track? It appears from what Dr. Sabella said that seeking recognition is one of the ways forward. It is easier for the EU to provide funding. While that is necessary and very important, it is probably the easier option for the EU rather than bringing these matters to the fore and doing something tangible about them.

I have been in Aida Camp several times, so I was appalled to hear about what had happened recently. We met youth groups and the cultural groups. We met Al-Rowwad and I am aware of its commitment to peace. Its slogan is “Beautiful Resistance”. Its members were here in this Parliament and we met them several times. There was an amazing concert in Liberty Hall in which they did their dabke dancing. One meets people and one knows their commitment to working together into the future, but then one sees the way in which they are treated. I have written to the Israeli ambassador about that.

I have some questions on the role of the Palestinian Legislative Council. One is about Palestinian prisoners. There are over 5,000 who are in prison for six months under renewable sentencing. Can the council play a role in that regard? The threats to the Bedouin arise occasionally when one sees the land grabs for the settlements. There have not been many successful cases in the Israeli courts about that. There are tensions among some of the Christian communities because they feel under threat from certain elements within the Muslim community and



from ultra-Orthodox Jews. The Israeli delegation spoke about their suggestions for the Al-Aqsa Mosque. Is Dr. Sabella hopeful about that situation?

My final question is about a Palestinian poet, Ashraf Fayadh, who is in jail in Saudi Arabia under sentence of death. Has his case been taken up with the Saudi authorities?

**Dr. Bernard Sabella:** I agree with Deputy Eric Byrne that we have a problem in Palestine. We do not hide our problems. The problem is that we are divided. The division is costing us solidarity and causing the lack of developing a Palestinian plan of action that would further strengthen our presence in the international arena. As I said, the problem with the elections is also true with the division between Fatah in Ramallah in the West Bank and Hamas in Gaza. Regional and international players are actively pursuing the division of Palestinians into this and that group. I was in Brussels with Mr. Azzam al-Ahmad, the Ramallah Fatah group's chief negotiator with Hamas. Whenever our President, Mr. Mahmoud Abbas, tries to approach the Hamas camp, there is always a problem with Hamas, in that it does not want to go forward and subscribe to what all us Palestinians subscribe to. We need to find a solution to the problem. It is very important. Our Arab brothers can help us with it. They can listen to the Irish Parliament saying Palestinians need to unite. I ask the committee members to mention this as an important policy requirement whenever they talk to representatives of Arab states. Although there is a will among us to come back together, the intervention of some states in the region prevents us from doing so.

On the witnesses, I must mention a special group administered by the World Council of Churches, namely, the Ecumenical Accompaniment Programme for Peace in Israel and Palestine, EAPPI. Maybe the committee referred to it. I always see these people at checkpoints in Bethlehem, Jerusalem, Hebron and elsewhere, where there is much tension. They wear jackets with their EAPPI symbols. They are witnessing, taking note and, eventually, reporting to church groups and others in Europe, the US, Canada and elsewhere including Australia and New Zealand. They are doing a good job and are to be commended. Again, it is a kind of solidarity with the Palestinian people and it also reflects the need for peace and justice in our region.

How can we restart the peace process? I am at a loss. I do not know how. We appeal to Israel to move. Problems include the US support to Israel. Although Mr. John Kerry tried so much to open up possibilities and opportunities for renewed negotiations, now even the Obama Administration recognises that we cannot do anything before the end of Mr. Obama's term in office.

**Chairman:** What can Ireland and the EU do, particularly the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, given her interest in the area?

**Dr. Bernard Sabella:** There is a need for Europe to play a bigger and more impressive role, rather than being simply a financial supporter, although we greatly appreciate the financial support. Without the EU's support in all areas, we could not go on in Palestine. The committee referred to the UN's ineffectiveness. Sometimes, we have an ambivalent relationship with Europe, which we discuss among ourselves. Some people get upset when some of us say what I am about to say. In one way, we love Europe and like its approach and support. On the other hand, we think Europe refrains from taking bold decisions that would impress even on the US the need to go forward. The US puts a veto on what Europe can and cannot do. The Israelis are also implementing such a veto. We want Europe to move forward. We want a solution. We

want to live as normal people and normal neighbours. I live in Jerusalem, and just across the street is a Jewish neighbourhood. I want to live normally with these neighbours. How can we do so if we continue to have cycles of violence and war?

**Chairman:** What is life like for the ordinary person in Jerusalem?

**Dr. Bernard Sabella:** Life is a mixture of fear, anticipation and going about as normally as one can. People on both sides must continue living, taking buses and travelling about. We must say it as it is. Young Palestinians and many Israelis are afraid because of the cycle of violence and confrontation, which is a result of a political impasse. We do not know where we are going. We try to mix, for example, and there is a major debate in Palestine about whether we should celebrate Christmas and light Christmas trees in all Palestinian towns, as we usually do. This may surprise many Irish Members of Parliament. Muslims and Christians celebrate Christmas together and participate in activities around Christmas time, which is beautiful.

Now, because of what is happening and because people have been killed and hundreds, if not thousands, have been injured, there is sadness and mourning, and we must consider whether we should light up the Christmas trees. Many voices are saying we should light up the Christmas trees and not allow the crisis to hold us back. Christmas is an occasion for joy not for adults, but for children, and we do not want to take the joy from Palestinian children, Muslim and Christian alike. It is not easy. It is difficult. There is a feeling among young people in Palestine that they are targeted, and this makes them afraid.

A question was asked about the PLC and prisoners. Recently, our colleague Khalida Jarrar was sentenced to 15 months in prison. The accusations against her are political. She has not committed any violent act, but is being punished for her position on Israel and her expressed views against the occupation. We find it utterly unacceptable that a Palestinian member of parliament is targeted. There is a practice in Israel of administrative detention, which, unfortunately, we inherited from the time of the British Mandate for Palestine. Anybody who is not to the liking of some Israeli authorities finds his or her way to prison under administrative detention, which is very unfortunate.

On the question regarding the Christian community, our experience in Palestine is that it has been a model of co-existence between Christians and Muslims. What the Christian community is concerned about is that we have seen a shift from a national identity to a religious identity, not only in Palestine but across the Middle East. That is a little bit problematic because for some, among both Muslims and Christians, this religious identity seems to say that we are two separate communities. We are not two separate communities and the overwhelming majority of Palestinians, Muslims and Christians alike, subscribe to the view that we are one community. We have an important saying in Arabic which emerged from Egypt, and its meaning in English is "Religion is for God, but the homeland is for everybody." We subscribe to this view.

What is happening in Iraq and Syria with Islamic State is problematic, and politicians and policy makers in Palestine do not hide this. We are worried about it because it drives fear among people. What this extremist, terrorist group is doing to Yazidi, Christian and other communities in Iraq and Syria is reflected in our fears. I must stress, however, that the overwhelming majority of Palestinians subscribe to the view that our state is for all citizens, is open and does not discriminate. We in Palestine are proud that our Government has Christian Ministers. I do not like to use the term "Christian Ministers," and do so only to make my point. We also have Christian ambassadors. A recent study on Christians in Palestine, which was carried out by a Lutheran church in Bethlehem that is Palestinian rather than imported, pointed out that 45% of



all non-governmental organisations in Palestine working in human rights, social media and so forth had been founded or are directed by Palestinian Christians. We are fully integrated in our society and we do not have any problem. However, Muslims and Christians must together face the fears caused by Islamic State, a terrorist organisation.

**Deputy Olivia Mitchell:** I welcome the witnesses and thank Dr. Sabella for his presentation, which provides a clear view of the Palestinian position. Dr. Sabella stated that young people in Palestine are in despair. I fully understand the reason that would be the case because, as the years go by, the possibility of a two-state solution appears to be disappearing. Every day, the settlements expand and the chaos in Gaza worsens. Gaza is more than a cause of despair, as it is difficult to see how it can ever be addressed. I can see that it is in Israel's interest to allow the political impasse to continue indefinitely while it gradually increases its hold. Even in Jerusalem, the incident at Al-Aqsa mosque is symptomatic of Israel's attempts to increase its grasp on the city, including by buying up property. It is difficult to determine what the Israelis want. Do they want a two-state solution?

How does one break the impasse and bring Israel back to the table? Dr. Sabella stated that Europe should do more and should recognise the Palestinian State. Israel's response to the measure taken on the labelling of products was to stop talking to the European Union. If we were to decide tomorrow to recognise the Palestinian State, would that decision make Israel talk to us? I ask this question because I am puzzled.

I am very interested in the war in Syria, which brings something new to the equation. Dr. Sabella expressed concern about the growth in religious identity. Could this development be used to bring Israel to talks? The Palestinian question has been used by sympathisers of ISIL, albeit not by ISIL itself, almost as a justification for the growth of ISIL. Does this provide an opening? The Syrian war is consuming the Western world, which has taken its eye off the Palestinian question. Can a connection be found that could be used to bring people back to the negotiating table? I know this is a big question but perhaps Dr. Sabella will give us his thoughts on it.

**Deputy Richard Boyd Barrett:** I thank Dr. Sabella for his presentation, which I very much appreciate. As always, I also thank Mr. Abdelrazek. In the case of Khalida Jarrar, one thing the joint committee, as fellow parliamentarians, should do is make representations to the Israelis, making clear that it is outrageous and disgraceful that a person has been imprisoned for no other reason than her political views. Then again, everything Israel does *vis-à-vis* the Palestinians is disgraceful.

At this stage, does Dr. Sabella not believe that Israel has no interest in a reasonable or just settlement and is playing the world community in whatever way it can, either by ignoring it or pretending to negotiate? Is it not the case that Israel has only ever been interested in creating facts on the ground to expand the territory of Israel and destroy any hopes of Palestinian self-determination? My strongly held view has just been confirmed.

On an autobiographical note, the only reason I am involved in politics is that I was in Bethlehem on Christmas Eve 1987, having visited al-Fawwar refugee camp the previous day with Palestinian friends with whom I had been working on an Israeli moshav at the Dead Sea. We were chased around Bethlehem and there had been shooting and large-scale conflict in the refugee camp, which was terrifying and shocking. I chose to get involved in politics when I returned to Ireland. Since then, all I have seen is that the position has become progressively worse, despite all the hand-wringing and tokenistic concern shown for the Palestinian cause. Is

it not time to be more robust and call Israel for what it is, namely, a rogue state? Is it not pointless to try to negotiate with Israel because it is not interested in negotiating? Should we not treat Israel and characterise its behaviour in the same way that we treated and characterised apartheid South Africa? If we do not do so, are we not assisting the Israelis and, if one likes, the enemies of Palestine, by allowing the conflict to be characterised as an intractable fight between Arabs and Jews? It suits them; that is the way they want to present it because if it can be presented like that, people in Europe just switch off and say, “Well, that is the sort of stuff that goes on in the Middle East”. We need to break through that narrative and say this is not about Jews versus Arabs, religion, or a clash of civilisations. This is about a racist aggressive rogue state. I would be interested in Dr. Sabella’s comments on this. It is also about a network of despotic states in the region that are also determined to crush their own populations, including the el-Sisi regime in Egypt, the Saudi regime or other regimes in the Gulf. They have always been about crushing their own people. Israel is the most extreme example of this. The West has played at best a duplicitous game because it has always continued to support Israel. It continues to trade with it and treat it as a normal state despite its flagrant human rights violations. It also continues to arm and support the worst elements in the Middle East against the Arab population.

In that context, as a way of breaking through that cul-de-sac, do we not now need to start to talk about one person, one vote, the one-state solution, the one Palestine, because it cuts through that narrative, which suits them? The history of partition of any land has always been civil war and perennial fighting. It has become apparent that the two-state solution leads to a perennial fight over where the boundaries are to be drawn and that fight never ends. Would it not be better to cut across that by talking about one person, one vote as the way to reframe what is at stake in Palestine?

**Senator Mark Daly:** I also wish to voice concerns about Khalida Jarrar and her continued administrative detention. Irrespective of her background and politics, she is entitled to due process.

General McChrystal said, “for every innocent person you kill, you create ten new enemies.” That obviously seems to be the case not only in Palestine and Syria but throughout the Middle East. As a policy it is obviously self-defeating. What Dr. Sabella said in his contribution is obviously depressing because things have got worse.

The Deputy spoke about facts. People are passing motions and having meetings but, in reality, the Israelis are creating facts in terms of the settlements. The facts are that when Ronald Reagan was US President, there were only 30,000 illegal settlers in the West Bank. Now there are more than 500,000 and the number continues to grow. The Israelis are continuing a policy that started after the Second World War when they arrived on the beaches at Tel Aviv and from there have expanded ever further into the West Bank. They have now done so to such an extent that the process will become irreversible. That is the concern. Israel puts people into an area and claims they will not move while insisting that those who currently form the indigenous community there must do so. Obviously, the retort to that is that they were there generations, centuries and millennia ago. The history of the Holy Land is such that so many people have been there previously the entire world might be entitled to claim some piece of it.

I have been there and do not know where it goes next because Europe is doing nothing and the US is not being allowed to do anything by the American Israeli Public Affairs Committee, AIPAC, and other Israeli lobbies in America. It is hard to see where it goes because they do not need to negotiate with the Palestinians. They have what they want and they will continue to get more. Unfortunately, the lack of unity within the Palestinian community in the different groups

in Gaza and the West Bank appears to be the perfect textbook policy of divide and conquer. As long as Palestine is divided, they will continue to conquer.

**Dr. Bernard Sabella:** I will be brief because I realise that we have taken very good time. I agree with Deputy Mitchell that the Palestine question has been used by terror groups. We Palestinians currently have nothing to do with that. Therefore, I think we need to work together. I commend the committee on inviting me here today. This is one of the things the committee needs to continue doing. Furthermore, we would like to see committee members come to Palestine to meet our people. Some of the members have already done that. It is a good strategy because it sends a message to the Israelis that we are not alone.

We have a lot to do internally. We need to rework the unity. We need to go forward to unity government at least at the beginning. Such a government would prepare elections and prepare to go back to one entity. Palestine is one entity. It is not Gaza and Ramallah. We have considerable responsibility there.

I agree with Deputy Boyd Barrett that the situation has become worse. While he and others might argue that we have to call Israel by name, others would argue the opposite and suggest being soft on Israel because when one is soft on Israel, it is willing to consider improving the living conditions of Palestinians. That is not the whole issue. The issue is that the living conditions are improved for ten years but there continues to be control, oppression and occupation, and young people continue to have frustration and disappointment. What should we do? We have thousands of young people who are out of work. They have no future. What should we do? The Palestinians need to be allowed to have their own state and work out their own problems. I am not saying we do not have problems or that we are perfect. We have problems. If we are not allowed to work out our own problems and to develop our own economy, which Israel is not permitting, we will continue to have problems.

I welcome the recent suggestion of the Israeli politician Mr. Peretz - not Mr. Peres - that first need to move on a political solution with the Palestinians. In order to prove his point he said that if the Palestinians in east Jerusalem had voted for a mayor of Jerusalem the mayor of Jerusalem today would have been a Palestinian. This means that if the 300,000 Palestinians in east Jerusalem had participated in municipal elections - I think approximately 120,000 of them are allowed to vote by age - then we would have a Palestinian mayor of Jerusalem because he expected us to vote *en bloc* together. He argued that the Israelis also need to dismantle some settlements. He suggested that at least 80,000 settlers should be returned to Israel and that their small settlements be dismantled in order to allow for a political solution with Palestinians. I have brought him into the picture to show that some Israeli politicians are aware of the same things that have been discussed by the distinguished members of this committee today. We need Palestinians and Europeans to encourage mainstream Israeli voices who call for practical solutions, not for ideological solutions. From the Israeli point of view, an ideological solution would mean the annexation by Israel of the West Bank.

I will conclude by bringing to the committee's attention an experience I had with a group of master's degree students in Jerusalem. All of the students in question are Palestinian and most of them are Muslim. Seven of them are Muslim and one is a Christian. They were working with me on understanding relations among religions in Jerusalem. When we discussed the relationship of Judaism to Jerusalem, they told me they were not convinced by some of the material they had read. They said they wanted to arrive at an impression of what the relationship of Judaism to Jerusalem really was; therefore, they invited a Jewish rabbi to come to speak to them. They told me they should also have invited a Christian priest to speak to them about Christian-

ity. The Christian student said they should have invited a Muslim sheikh to come to speak to them. I am not talking about politicians because I know politicians engage in sweet-talking. I am talking about real young Palestinian people: students, young people who do not go to school and young people who are working. They are interested in arriving at a point where we will have true peace in the Holy Land between Israelis and Palestinians. I think Ireland, its Parliament and people have a role in contributing to this. I ask the Irish people to keep us in their minds. I wish them all a merry Christmas and a happy new year.

**Chairman:** I thank Dr. Sabella. I think Palestine is always on our minds. The committee has taken a very keen interest in the Middle East peace process and the conflict in Israel and Palestine. Members of the committee have visited Palestine, Jordan and Israel. We met the Palestinian Foreign Minister and chief negotiator when we were in Palestine. Obviously, it is a difficult and challenging issue. As Dr. Sabella said, the people on the ground and children ultimately suffer. I agree with him that the European Union needs to take a stronger role in brokering the peace process in the Middle East. I echo his words of hope in that regard. I know that the new EU High Representative, Federica Mogherini, has visited the region on one or two occasions. Obviously, Ireland has a special interest in the matter. The committee's interest is reflected in the fact that it is included in our work programme.

**Deputy Richard Boyd Barrett:** I would like to ask a question.

**Chairman:** I am sorry, but may I finish and I will then let the Deputy in?

**Deputy Richard Boyd Barrett:** It is a very short question.

**Chairman:** No. I thank the head of mission, Ambassador Abdelrazek, who is very involved with all politicians here. He is always around Leinster House and certainly a good ambassador for Palestine in Ireland. I thank him for his work. Did Deputy Richard Boyd Barrett want to say something?

**Deputy Richard Boyd Barrett:** I have a short question. Some agencies of the United Nations recently severed their relationship with a security firm, G4S, because of its activities in the West Bank, for example, in manning checkpoints. Does Dr. Sabella know anything about this?

**Chairman:** No, he does not.

**Deputy Richard Boyd Barrett:** I was asking Dr. Sabella.

**Chairman:** Yes, but it really has nothing to do with us.

**Deputy Richard Boyd Barrett:** It does.

**Chairman:** As Dr. Sabella will be aware, the Oireachtas unanimously passed a motion in recognition of Palestinian statehood. I think this happened last December. The Government is reflecting on the issue. We look forward to keeping in touch with Dr. Sabella and his colleagues. We all wish him a happy Christmas.

The joint committee adjourned at 12.15 p.m. until 11 a.m. on Wednesday, 16 December 2015.