



VALS Statement In Solidarity With Palestinians

VALS calls for an end to violence and for an immediate and permanent ceasefire in Gaza and across all of Israel and Palestine, in line with the Victorian Aboriginal Legal Service (VALS) guiding principles and stated values of social justice, human rights and equality.¹ As Palestinians face unprecedented violence by the Israeli military, we stand in solidarity with Palestinians and with all peoples across the world who face oppression from state and military forces.

We condemn the atrocities committed by the terrorist organisation Hamas not only on October 7 but throughout the enduring conflict. Since the atrocities against Israelis that were committed by Hamas on October 7 2023, Israel has killed over 15,000 Palestinians, including 6,000 children, and displaced 1.7 million people trapped in Gaza, with hundreds more killed in the West Bank.² These numbers are rising every hour. It is widely accepted that Israel's response to October 7 2023 is unlawful under International Law.³ We are joining a chorus of leading international NGOs, including Amnesty International, World Health Organisation (WHO), Oxfam, Plan International, Save the Children, and UNICEF who are demanding a permanent ceasefire,⁴ and justice for any breaches of international law and perpetration of war crimes.⁵ We call for an end to the differential legal treatment of Palestinians, which leading NGOs have found to be an apartheid regime⁶ and support full equality, justice, freedom and self-determination for everyone.

¹ VALS, <https://www.vals.org.au/our-values/>

² Euro-Mediterranean Human Rights Monitor, <https://euromedmonitor.org/en/article/5981/Statistics-on-the-Israeli-Genocide-in-the-Gaza-Strip-%2807-October---24-November-2023%29>; Reuters, <https://www.reuters.com/world/middle-east/how-many-palestinians-have-died-gaza-war-how-will-counting-continue-2023-12-06/>

³ ICRC Casebook, https://casebook.icrc.org/a_to_z/glossary/collective-punishments; United Nations, <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law>

⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2023/10/the-escalating-conflict-in-gaza-and-israel/>; World Health Organisation (WHO), <https://www.who.int/news/item/04-12-2023-who-appeals-for-protection-of-the-health-system-from-further-attacks-and-degradation-of-its-capacity>; Oxfam Australia <https://media.oxfam.org.au/2023/12/oxfam-reaction-to-renewal-of-hostilities-in-gaza-humanitarian-pause-ends/>; Plan International, <https://www.plan.org.au/campaign/ceasefire-now/>; Save the Children, <https://www.savethechildren.org.au/media/media-releases/gaza-extension-of-humanitarian-pause-another-step>; UNICEF, <https://www.unicef.org/mena/press-releases/statement-unicef-executive-director-catherine-russell-resumption-fighting-gaza>

⁵ United Nations, <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law>; Amnesty International, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>

⁶ Amnesty International, <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>; Human Rights Watch, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>



Aboriginal and Torres Strait Islander people have had to survive genocidal policies and actions for 235 years and we feel a responsibility to stand up against genocide.

At VALS, we have used our voices to fight for justice for Aboriginal and Torres Strait Islander people here in Victoria and across Australia. We have fought for the rights of those most marginalised for 50 years whether it be in a courtroom, a police station or protesting on the streets. We have also spoken out when international events affect our Board, staff and community, which this undoubtedly has. For example, at the height of the Black Lives Matter movement in 2020, we released statements and advocated for justice for George Floyd when he was murdered by police in the United States, and supported our community with their right to protest and demand justice for victims and survivors of police and state violence here in Australia.⁷ We see this statement and demand for action as being in continuity with this and in line with our obligations as an organisation which defends people's human rights that believes that all perpetrators of human rights violations and war crimes must be held to account.

Peace and freedom can only be achieved with justice and accountability.

We fight every day against the systematic oppression of our community through police and prisons. Our Police and Prison Accountability team see the serious harms caused by policing and detention.⁸ Currently there are 7,000 Palestinians in Israeli prisons. About 2,000 of them are in administrative detention, detained without charge or trial.⁹ UN Reports detail threats, blackmail, assault and the use of solitary confinement and medical negligence against prisoners as young as 12 years old. This is contrary to international law.

VALS uses the United Nations Committee on the Rights of the Child along with principles of child-centered approaches to justice,¹⁰ particularly in our campaigning to raise the age of criminal responsibility and reduce youth incarceration. We use these same principles along with contemporary international human rights standards when looking at international matters, and we are alarmed by the

⁷ @theVALSmob, <https://twitter.com/thevalsmob/status/1384744447636688900>; VALS, <https://www.vals.org.au/wp-content/uploads/2022/07/Policy-Paper-Reforming-Police-Oversight.pdf>, p.90; VALS, https://www.vals.org.au/wp-content/uploads/2022/02/139_VALS_Eastern_Australian_Aboriginal_Justice_Services_Ltd_Redacted.pdf, p.139; ABC Online, <https://www.abc.net.au/news/2020-06-06/indigenous-rights-and-deaths-in-custody-know-your-rights/12318238>; VALS, <https://www.vals.org.au/joint-letter-on-dangerous-changes-to-forest-protest-laws/>; VALS, Know your rights while protesting, <https://www.vals.org.au/know-your-rights-while-protesting/>

⁸ Sarah Schwartz, *Indigenous Victorians pay a high price when prisons prioritise profit*, <https://www.theage.com.au/national/victoria/indigenous-victorians-pay-a-high-price-when-prisons-prioritise-profit-20221101-p5burp.html>; The Guardian, <https://www.theguardian.com/australia-news/2022/dec/14/strip-searching-of-first-nations-children-by-victoria-police-state-sanctioned-violence-inquiry-hears>; VALS, <https://www.vals.org.au/ibac-report-finds-that-prison-expansion-and-privatisation-are-contributing-factors-to-corruption-and-abuse-within-victorias-corrections-system/>

⁹ Human Rights Watch, <https://www.hrw.org/news/2023/11/29/why-does-israel-have-so-many-palestinians-detention-and-available-swap>

¹⁰ VALS, <https://www.vals.org.au/raisetheage/>



numbers of Palestinian children held in Israeli prisons and military detention. As of September 2023 there were 156 children in Israeli military detention.¹¹ The most common charge for children is throwing a stone - for which the maximum sentence is 20 years in prison.¹² 60% of children experienced solitary confinement with the length of time varying from one day to as long as 48 days.¹³ Israel is the only country in the world that systemically prosecutes minors in military courts and accepts confessions from them obtained by coercion.¹⁴ These are all practices we strongly oppose. We urge the Australian government to use its influence to ensure the release of all children held in prison and detention.

The work of VALS is anti-racist work, and we remain committed to opposing racism and doing what we can to dismantle it in all its forms – anti-Indigenous racism, antisemitism, anti-Palestinian racism, and Islamophobia. We stand firm that criticism of the Israeli state is not inherently antisemitic and just like criticism of the Australian government is not criticism of its citizens, our criticism of the Israeli government is not criticism of its civilians. We know that many people in Israel and Jewish people across the world oppose the actions of the Israeli Government – a Government that has curbed the power of the courts and is led by Prime Minister who has active corruption proceedings against them.¹⁵ There are many innocent people across the region who oppose this violence and are suffering great trauma because of the choices of the State of Israel. We are troubled and concerned about the harm that conflating criticism of the State of Israel with antisemitism is causing to our Palestinian staff, Jewish staff, friends and community. It is contributing to an increase of hate speech and racism. It is also deeply unhelpful when working to combat the violence that Israel perpetrates against Palestinians: this is not a religious or ethnic conflict, but rather a problem of colonial state violence and apartheid.

As an Aboriginal Legal Service, we urge the Australian government to act to uphold its commitments to both human rights and international law.

Our commitment to justice is not just about words it is about action and this is why we stand in solidarity with Palestinians.

¹¹ Military Court Watch, <https://www.militarycourtwatch.org/page.php?id=J5V0bQevz8a19020AWwFbv7lxv2>

¹² Save the Children, <https://resourcecentre.savethechildren.net/pdf/INJUSTICE-Palestinian-childrens-experience-of-the-Israeli-military-detention-system-SC-July-2023.pdf/>

¹³ Save the Children, <https://resourcecentre.savethechildren.net/pdf/INJUSTICE-Palestinian-childrens-experience-of-the-Israeli-military-detention-system-SC-July-2023.pdf/>

¹⁴ Save the Children, <https://resourcecentre.savethechildren.net/pdf/INJUSTICE-Palestinian-childrens-experience-of-the-Israeli-military-detention-system-SC-July-2023.pdf/>

¹⁵ AP, <https://apnews.com/article/israel-netanyahu-corruption-trial-courts-4e18ed8f34e65707bd47e37696da4705> and Al Jazeera, <https://www.aljazeera.com/news/2023/12/5/netanyahus-corruption-trial-resumes-amid-israeli-war-on-gaza-what-to-know>