

JNF Canada sponsored projects seizing land in the Occupied Palestinian Territories

Canada Park

During the June 1967 war, the roughly 10,000 unarmed residents of the villages of the Latrun salient — including the villages of Imwas, Yalu and Beit Nuba — were expelled by the Israel Defense Forces (IDF) from their homes. Subsequently, the three villages were demolished. Canada Park, the flagship project of the Jewish National Fund of Canada (JNF Canada), was built over the ruins of the destroyed villages of Yalu, Imwas and Deir Ayyub (depopulated and demolished in 1948) and over lands belonging to the village of Beit Nuba.¹

Canada Park sits beyond the Green Line, and hence is located within the Occupied Palestinian Territories (OPT).² Canada's Ministry of Global Affairs officially accepts this point as fact. In a document written by the Government of Canada entitled "Ayalon/Canada Park and the Jewish National Fund of Canada," the Government of Canada admits that Canada Park is located in militarily



Image 1: Canada Park beyond Green Line and the nearby Separation Barrier (in red) within the OPT (OCHA Map, Google Earth)

¹ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 9.

² Image 1

occupied territory, and affirms that the Fourth Geneva Convention applies to Israel's treatment of the OPT.³

In the document "Ayalon/Canada Park and the Jewish National Fund of Canada," the Government of Canada also acknowledges the expulsion of up to 10,000 Palestinian civilians from their lands, the destruction of their villages, and the establishment of Canada Park over the villages' lands and ruins. It acknowledges that JNF Canada funded the park's establishment, and that the organization has charitable status through the CRA.⁴

Despite this, JNF Canada has reported in its annual tax returns that its activities taking place in other countries are only taking place within Israel (country code IL).⁵ However, any activities taking place in the "Israeli Occupied Territories" (country code PS) must be identified as such. This means that JNF Canada has been filling out its tax return falsely each year in which money it has raised has gone towards its flagship project.

In a fundraising letter from JNF Canada dated September 1984 and addressed to its members, JNF Canada asks for donations for Canada Park, which it falsely claims is located in Israel: "Income tax receipts will be issued for all contributions and your donation will help complete the Grove in Canada Park, in Israel..."⁶

What took place in June 1967, and what JNF Canada's flagship project covers up, is a war crime under article 53 of the Fourth Geneva Convention:

*Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.*⁷

The villagers were entirely peaceful, holding up white flags as a symbol of non-violence. Furthermore, the villages were demolished when the war had already ended, and the depopulation and demolition of these villages is commonly understood to have been an act of vengeance and collective punishment by the IDF.⁸ In the process of demolishing the homes, the IDF killed eighteen elderly Palestinians who were unable or unwilling to evacuate their homes.⁹

³ "Ayalon/Canada Park and the Jewish National Fund of Canada", Government of Canada, accessed through Access to Information and Privacy request.

⁴ Ibid.

⁵ <http://bit.ly/2gpilyS>

⁶ JNF Canada fundraising letter for Canada Park, 1984

⁷ <https://www.icrc.org/ihl/WebART/380-600060?OpenDocument>

⁸ CBC, 1991, <https://www.youtube.com/watch?v=8rZmzIqK6Fc>

⁹ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 21.

According to a report produced by *Al-Haq* — an organization regarded as a “well respected Palestinian human rights organization” by the Government of Canada in an internal memo — this illegal mistreatment of the Latrun villagers was exacted despite it being

...asserted in the aftermath of the Six-Day War by the then Israeli Minister of Health, Israel Barzilai, that between 1948 and 1967 the Nachson kibbutz on the Israeli side of the Green Line generally had ‘good neighbourly relations with the residents of the Latroun villages, and that there was good behavior on their part.’¹⁰

JNF Canada’s parent organization, Keren Kayemeth Le’Israel – Jewish National Fund (KKL-JNF), is an Israeli quasi-governmental organization and the largest private landowner in Israel. A former KKL-JNF Director of Information, Benny Mushkin, denied that the

depopulated and demolished village of Yalu was situated within the park’s boundaries, despite irrefutable evidence demonstrating this. When confronted with the facts surrounding the location of Canada Park over the ruins of depopulated and demolished Palestinian villages, Mushkin said: “All we did was take the area that was here, reconstructed it, enhanced it and improved it ... The area is much, much nicer now than it was before.”¹¹

Photos taken by Israeli soldier and journalist Joseph Onan of the demolition of village structures in the Latrun salient following the forced displacement of the Latrun villagers, reveal that KKL-JNF bulldozers were used.¹² This means that KKL-JNF was at least partially responsible for the demolition of these villages. It is unclear if funds raised by JNF Canada were ever used in this activity of KKL-JNF, but it is clear that all of the funds raised by JNF Canada are sent directly to KKL-JNF.

The presence of Canada Park over the lands of these villages is directly responsible for impeding the return of evacuees to their homes and properties, which is a demand they have been consistently making. In a letter addressed



Image 2: The letters on this bulldozer are the Hebrew acronym for the Jewish National Fund (photo taken by Joseph Onan, an Israeli soldier living nearby; courtesy of Imwas Charitable Association)

¹⁰ Ibid, p. 13.

¹¹ CBC, 1991, <https://www.youtube.com/watch?v=8rZmzIqK6Fc>

¹²Image 2; https://www.facebook.com/permalink.php?story_fbid=1442038122784499&id=1423772127944432&substory_index=0#

to a former Israeli Prime Minister, Defense Minister and President, the residents of Imwas, Yalu and Beit Nuba wrote:

“We ask only for our legitimate humanitarian right to return to the villages from which we were driven and expelled. Before the war in 1967, we lived peacefully in our villages on the West Bank-Israeli border, with no problems with our Israeli neighbours. We were in no way a threat to security or a destabilising presence in the area.”¹³

Under international law, the villagers have every right to return to their properties; Israel is in fact required under the Fourth Geneva Convention to implement this return. As article 49 of the Fourth Geneva Convention states:

*Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except for when material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.*¹⁴

It would be easier for Palestinians to re-establish a village and agriculture on this land as it had existed in 1967 without trees, stone monuments, signs and other park features funded by JNF Canada, as can be seen in the four images of the village site starting from 1958, and including each decade until 1988.¹⁵

These changes to the physical character of the Latrun salient — funded by JNF Canada — are in direct violation of international law. United Nations Security Council Resolution 465 forbids Israel from changing the physical character of the OPT,¹⁶ and United Nations Security Council Resolution 446 calls on Israel to refrain from changing the geographical nature of the OPT.¹⁷

Most of the former Palestinian owners of these lands are barred by Israel from accessing them. A 1986 UN Special Committee reported to the UN Secretary-General that the villagers of the Latrun salient were being denied their right of return to their land now occupied by a JNF Canada project.¹⁸

This land is treated as though it is part of Israel, and not in the OPT. Israel has full control of the land, rather than demonstrating temporary use of the occupied land for military or other reasons permitted under international law.

¹³ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 88

¹⁴ <http://www.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

¹⁵ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 30

¹⁶ <http://bit.ly/2oinhOu>

¹⁷ <http://bit.ly/2oFWGh3>

¹⁸ <https://unispal.un.org/DPA/DPR/unispal.nsf/9a798adbf322aff38525617b006d88d7/d2d88498a4bf12d2052566db004e5998?OpenDocument>

Article 46 of the Hague Convention (IV) states that “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.”

Under article 55 of the same convention, it states that

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

The Hague Conventions are considered “embodying rules of customary international law. As such, they are also binding on States that are not formally parties to them.”¹⁹

As an occupying power, Israel has the right to make use of or enjoy occupied lands as a temporary administrator and usufructuary. However, Israel, with the financing of JNF Canada, has used land and resources in the OPT for projects that have altered and impaired the substance of the land, rendering it no longer useable for the original purposes of its Palestinian owners (including growing food, building homes, grazing animals, etc.).

The purpose of this JNF Canada-sponsored project, along with many of KKL-JNF’s other projects, may be gleaned from the words of KKL-JNF official, Michael Katorza, who stated that: “In fact, a large portion of JNF parks are on lands where Palestinian villages used to stand, and the forests are intended to camouflage this.”²⁰

According to the above-mentioned Al-Haq report, Canada is complicit in violations of international law through JNF Canada’s charitable status:

...by indirectly supporting the establishment, maintenance and expansion of a recreational park on occupied territory, Canada, far from fulfilling its positive obligation to put an end to the illegal situation created by Israel in this part of the OPT, is responsible for breaching its duty of non-recognition and is complicit in the creation of facts which consolidate the illegal situation and prejudice the realisation of the Palestinian right to self-determination.²¹

The CBC’s *fifth estate* made a documentary on Canada Park in 1991 entitled “Canada Park: a Park with No Peace” which delves into meticulous detail about this project.²²

¹⁹ <https://www.icrc.org/applic/ihl/ihl.nsf/INTRO/195>

²⁰ Kadman, N. (2015) *Erased from Space and Consciousness: Israel and the Depopulated Palestinian Villages of 1948*, p. 43

²¹ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 68

²² <https://www.youtube.com/watch?v=8rZmzIqK6Fc>

Meanwhile, JNF Canada has continued to solicit donations towards Canada Park,²³ with funds going towards a wildflower trail as recently as 2015.²⁴

JNF Canada described Canada Park in the December 7, 2015 issue of the *Ottawa Jewish Bulletin* as follows:

*Canada-Ayalon Park is the site of early battles of the Macabees in the years 167 to 165 BCE with remains of fortresses and tunnels that match the Bar Kochba period style. There were also fierce battles in the Ayalon Valley between the Hasmoneans and the Seleucids in the second century BCE. Many battles also took place here during Israel's War of Independence, between the IDF and the Jordanian Legion.*²⁵

JNF Canada and KKL-JNF often refer to Canada Park as “Ayalon-Canada Park,” “Canada-Ayalon Park,” or even “Ayalon Park,” which according to Al-Haq, is due to the embarrassment felt by many donors to the park when knowledge of the park’s nature became publicly known.²⁶

Despite JNF Canada’s knowledge of the Latrun villages that existed within the boundaries of Canada Park up until their depopulation and destruction in June 1967, JNF Canada continues to omit this information for its donors, and for the Canadian public at large, which has subsidized this JNF Canada project over the course of several decades. JNF Canada is largely responsible for erasing these villages from historical memory, thereby casting them into oblivion.

The Separation Barrier unilaterally erected by Israel goes deep into the OPT to fully include Canada Park within Israel’s sovereign control,²⁷ and thereby breaches Canadian public policy through extending into the OPT.²⁸ In addition, Israelis can visit Canada Park, but the Barrier prevents Palestinians in the rest of the OPT from visiting the area, despite the fact that many Palestinians residing in the West Bank were born there or have relatives who were born there. The park includes Palestinian cemeteries, ruins of religious sites and other ruins that are of significance to Palestinians, particularly from those communities that were forcibly removed from the area by Israel in 1967.

²³ http://site.jnf.ca/wp-content/uploads/2014/09/JNF.Roots_April_2014.pdf, p.40

²⁴ <https://issuu.com/ottawajewishbulletin/docs/ottawa-jewish-bulletin-2015-12-07>, p. 9

²⁵ Ibid

²⁶ <http://www.vho.org/aaargh/fran/livres10/Latrun.pdf>, p. 32

²⁷ See Image 1

²⁸ http://www.international.gc.ca/name-anmo/peace_process-processus_paix/canadian_policy-politique_canadienne.aspx?lang=eng

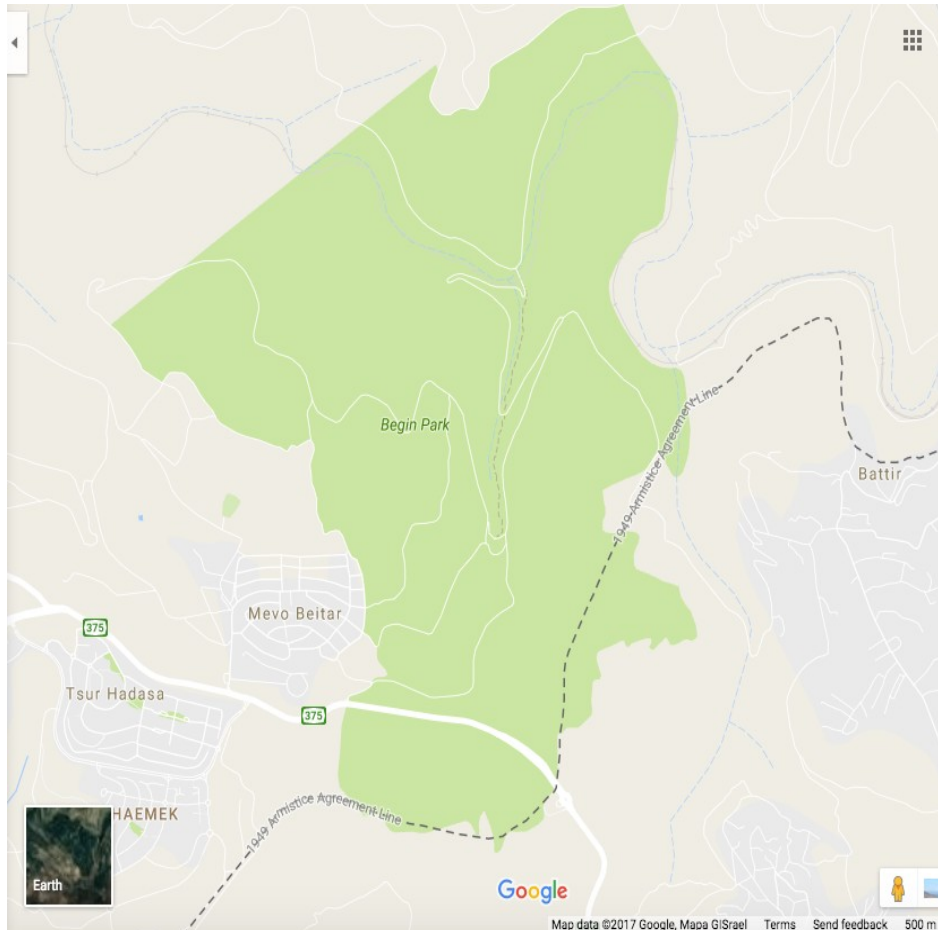


Image 3: Begin Park extending into OPT (Google Maps)

Begin Park

Begin Park, a project sponsored by JNF Canada,²⁹ extends from Israel over the Green Line — Israel's internationally recognized border — and into the OPT.³⁰ The route of the Separation Barrier is projected to go around Begin Park, effectively annexing this land from the Palestinians.³¹ The path of the barrier is in violation of international law and officially declared Canadian policy on the Israeli-Palestinian conflict, where

*Canada opposes Israel's construction of the barrier inside the West Bank and East Jerusalem which are occupied territories. This construction is contrary to international law under the Fourth Geneva Convention. Canada not only opposes Israel's construction of a barrier extending into the occupied territories, but also expropriations and the demolition of houses and economic infrastructure carried out for this purpose.*³²

²⁹ <http://web.archive.org/web/20090503083137/http://www.jnf.ca/projects1-nav.html>

³⁰ Image 3

³¹ Image 4

³² http://www.international.gc.ca/name-anmo/peace_process-processus_paix/canadian_policy-politique_canadienne.aspx?lang=eng

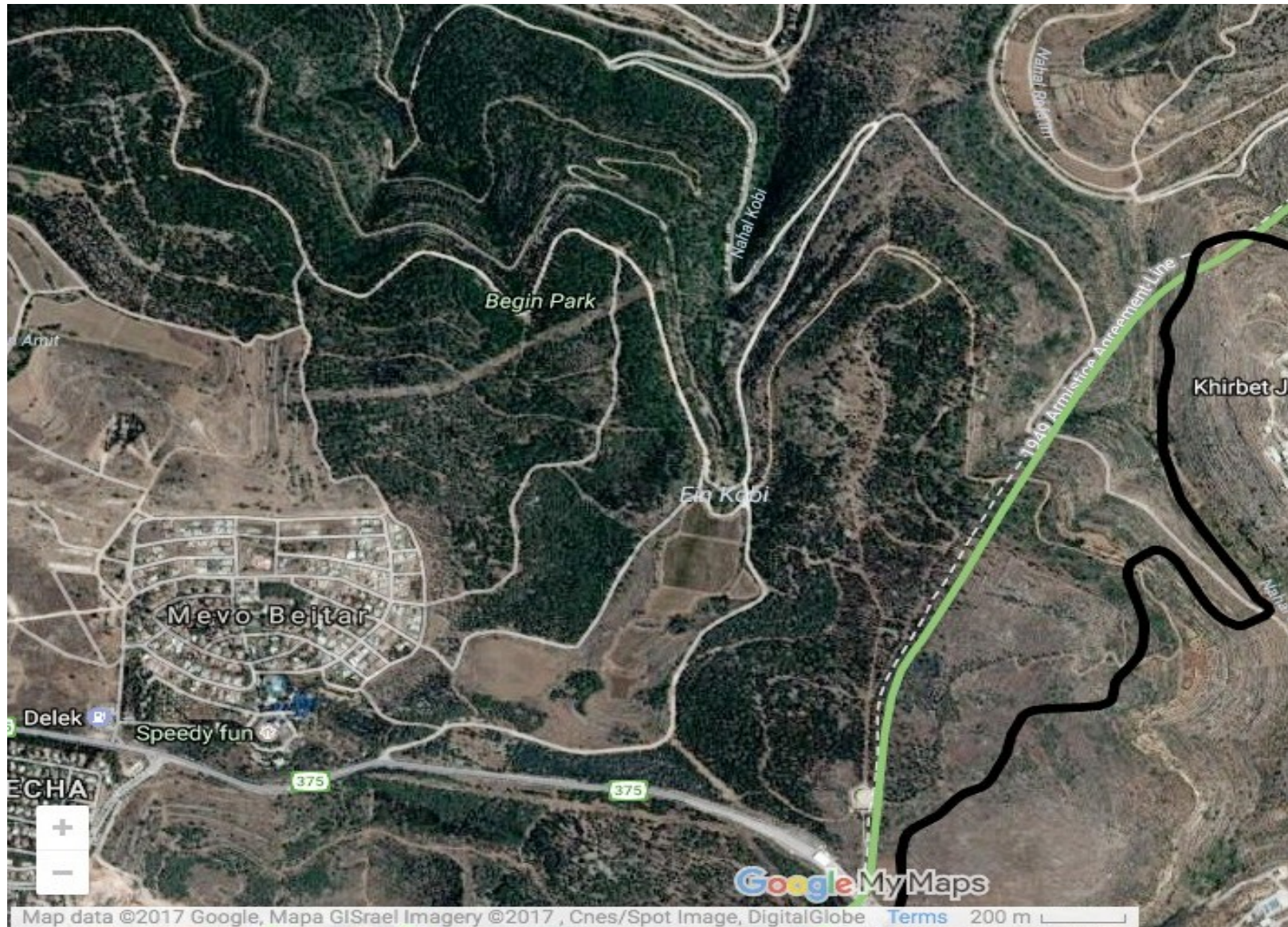


Image 4: Begin Park extending beyond Green Line with proposed route of Separation Barrier (black line) going around it (OCHA Map, Google Earth)

Yatir Forest

The northern part of Yatir Forest crosses over into the OPT. Furthermore, the Separation Barrier has been built to go directly around the forest, within the occupied West Bank.³³

On a cached page from JNF Canada's previous website, it lists Yatir Forest as a project that it has sponsored.³⁴

JNF Canada's connection to this forest can also be demonstrated from the 2009 JNF Ottawa Negev dinner booklet, which says that "Ottawa helped to create..." and lists "Jubilee Forest at Yatir, Negev dinner — Cantor David Aptowitz."³⁵

On April 30, 1998, the Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition) said the following in the Senate:

Honourable senators, there is one fiftieth anniversary project known as the Jubilee

*Forest at Yatir in the Negev Desert. I am pleased that New Brunswickers from the province I represent are working on that project by planting a New Brunswick forest as an important part of the Jubilee Forest. The New Brunswick forest will consist of more than 20,000 trees at Yatir, which is located at the northeastern gateway to the Negev Desert, 25 kilometres northeast of Be'er Sheva and 22 kilometres west of Masada in the Dead Sea.*³⁶

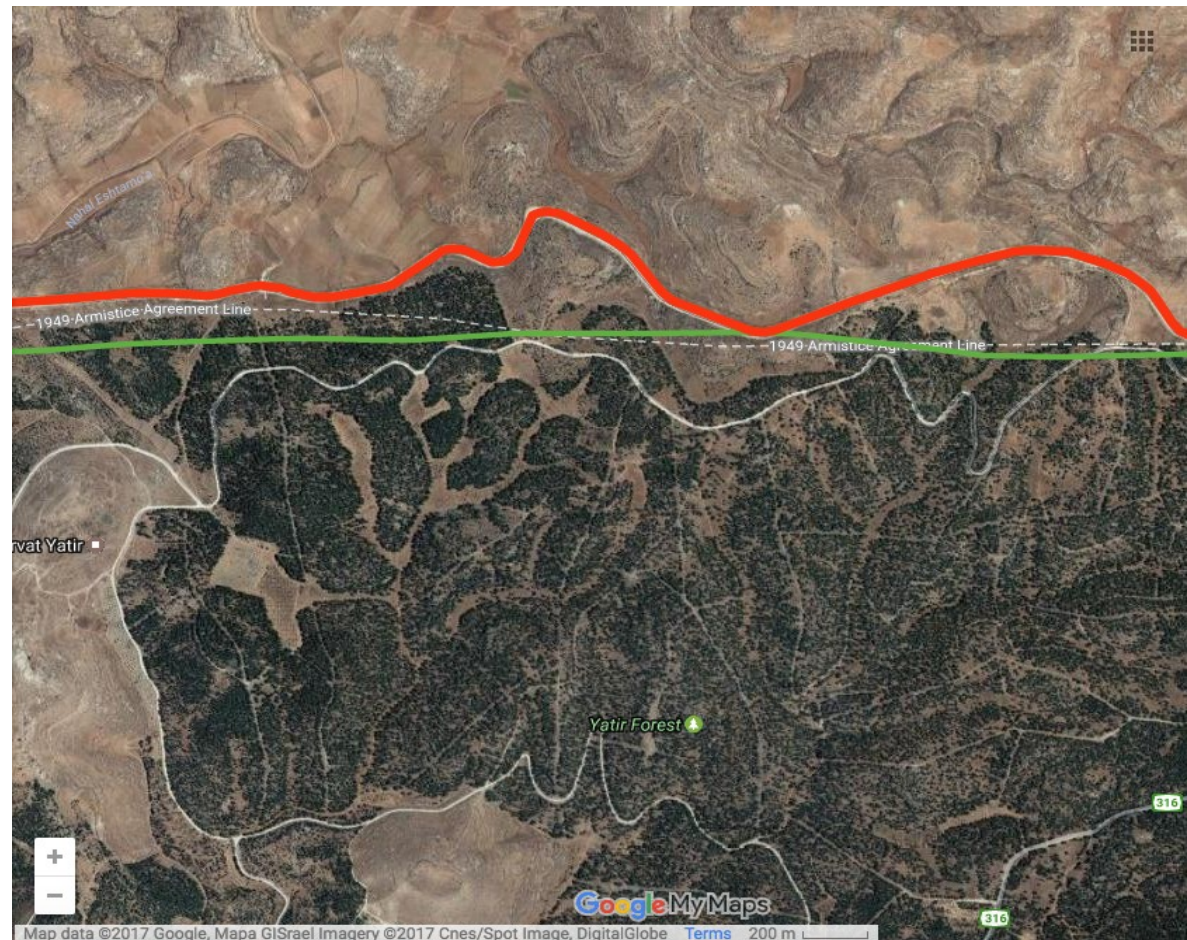


Image 5: Yatir Forest going into OPT (over the Green Line), and the Separation Barrier, indicated by the red line, going around the forest (OCHA Map, Google Earth)

³³ Image 5

³⁴ <http://web.archive.org/web/20090503083137/http://www.jnf.ca/projects1-nav.html>

³⁵ <http://ottawa.jnf.ca/wp-content/uploads/22.2009-2010-ottawa-bk.pdf>, p. 48

According to JNF Canada's Toronto office, Yatir Forest is also home to the Toronto Community Forest.³⁷

Gilo Forest and Park

In a May 2007 document produced by JNF Canada called "JNF information update," it describes Gilo Forest and Park as being "set up by Friends of JNF" and "... located near the Gilo neighborhood, in south Jerusalem. The park includes active recreation spots and playground equipment."³⁸

The project is located almost entirely over the Green Line in the OPT,³⁹ thereby erasing the Green Line for Israelis and tourists, and contributing to the idea that Gilo Forest and Park, and the illegal Israeli settlement of Gilo, are permanent parts of Israel. It also makes returning to the Green Line more difficult physically. In the words of Ofer Ayoubi, head of Gilo's community centre, "If you think Gilo is in the Occupied Territories, I suggest you visit us and see the contiguity between Gilo and [the neighborhoods of] Katamon, Talpiot, Har Homa, and Malha. The [Green] Line is long gone here."⁴⁰

It does not help that people have been led to believe that the settlement of Gilo is a suburb of Jerusalem, when in fact it is land settled illegally by Israel, located within the OPT. Furthermore, the project prevents expansion of the local Palestinian communities, and saves land for further Israeli settlement expansion.

According to a *Jerusalem Post* article, the illegal settlement of Gilo was reportedly expanding by adding 1,100 apartment units "built partially on the open areas of the Gilo forest..."⁴¹

More recently, the human rights organization *B'tselem* reported that KKL-JNF is one of three landowners of a parcel of land that is slated for construction of housing units — for Jewish families only.⁴²

³⁶ http://www.parl.gc.ca/Content/Sen/Chamber/361/Debates/056db_1998-04-30-e.htm, p. 21

³⁷ JNF Canada, *Roots*, April 2011, p. 14

³⁸ JNF Information Update – Gilo Forest and Park, p. 3

³⁹ Image 6

⁴⁰ http://www.btselem.org/jerusalem/20150105_expansion_of_gilo_settlement

⁴¹ <http://www.jpost.com/landedpages/printarticle.aspx?id=239828>

⁴² http://www.btselem.org/jerusalem/20150105_expansion_of_gilo_settlement

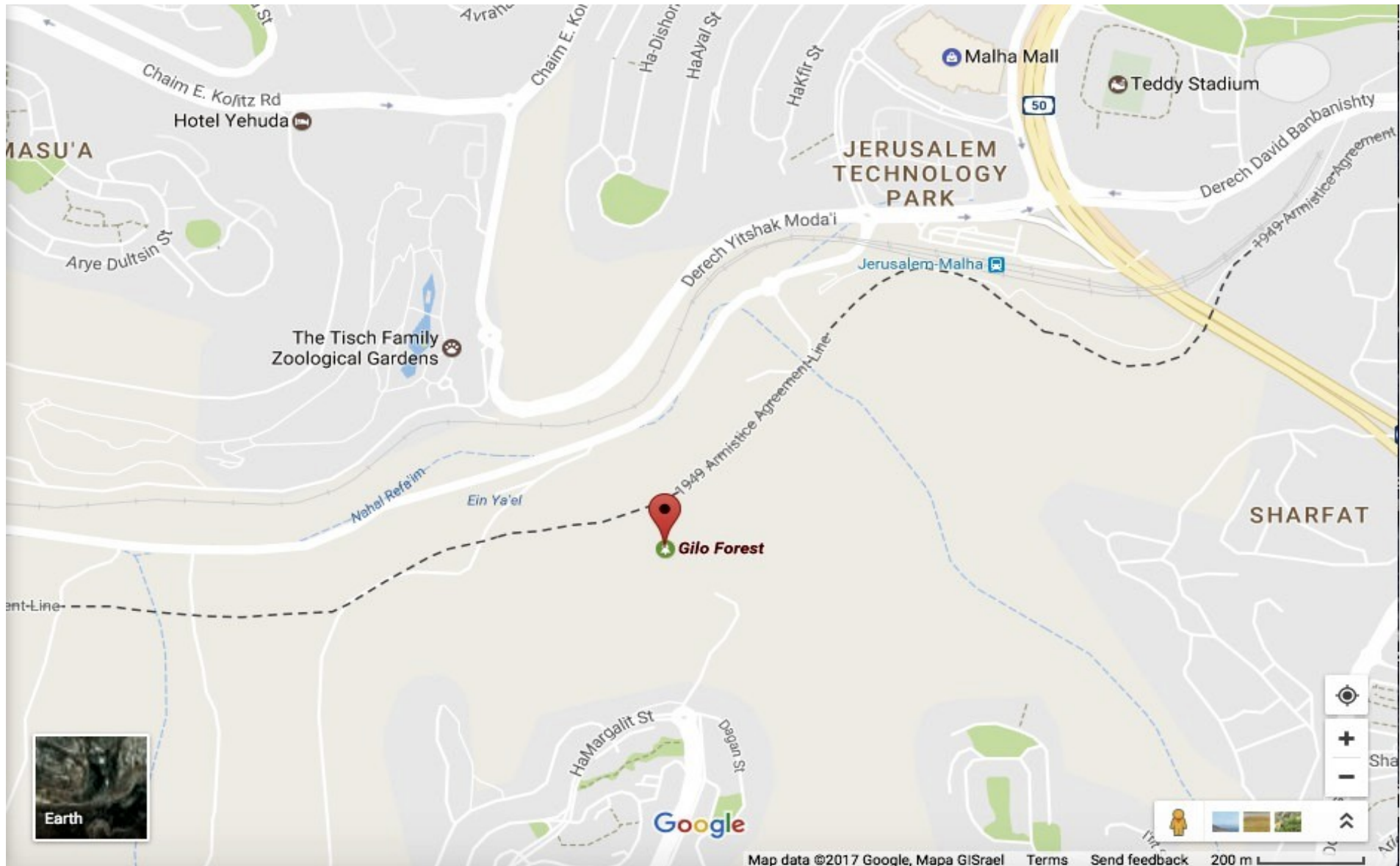


Image 6: Gilo Forest on Palestinian side of Green Line (Google Maps)