



REPUBLIC OF KENYA



5/10/2010

NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2010

REPORT OF THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY ON ITS STUDY TOUR TO THE STATE OF  
ISRAEL; 24<sup>TH</sup> – 30<sup>TH</sup> JANUARY, 2010

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CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS  
NAIROBI

OCTOBER, 2010

- (i) Held meetings on security issues with the relevant Israeli Parliamentary counterpart Committee;
- (ii) Studied and inquired into security measures that Israel uses to protect and safeguard its citizens' lives against organized crime;
- (iii) Inquired into methods that Israel employs against acts of international terrorism within and outside the country's borders;
- (iv) Studied special anti-terrorism laws enacted to prevent and combat terrorism in line with the requirements of international conventions and protocols.

The Committee opted to visit Israel due to the prudent and efficient manner with which it handled security issues. The visit provided an opportunity for the Committee Members to address the various security challenges in the country and make useful and gainful contributions to the Government of Kenya on how best to deal with these problems.

It was in pursuit of the above stated objectives that the Committee visited the State of Israel and successfully carried out a comprehensive study of Israel's security systems and procedures through interactions with the counter-part Committee Members and other State organs in charge of security.

The Committee takes this opportunity to thank the National Assembly for the logistical support accorded to the Committee which made it possible for the Members to undertake the study tour. The Committee is also grateful to the Ministry of Foreign Affairs and the Kenya Embassy in Israel for facilitating the various meetings with the relevant authorities in Israel.

**Mr. Speaker, Sir,**

On behalf of the Committee, and pursuant to Standing Order 181 (3), it is my pleasant duty to lay on the Table of the House the Report of the Committee on Administration and National Security on its study visit to the State of Israel, for deliberation and adoption.

Signed.......... Date..... 05/10/2010.....

**Hon. Fred Kapondi, MP**  
**Chairman, Departmental Committee on Administration and National Security**

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(iv)

- (iii) Office of the Prime Minister
- (iv) Ministry of State for Public Service
- (v) The Public Service Commission
- (vi) Ministry of State for Immigration & Registration of Persons

**Mr. Speaker,**

The following are the Members of the Committee:

- The Hon. Fred Kapondi Chesebe, MP **(Chairman)**
- The Hon. Peter Kiilu, MP **(Vice Chairman)**
- The Hon. Cyprian Omollo, MP
- The Hon. John Ngata Kariuki, MP
- The Hon. Danson Mungatana, MP
- The Hon. Raphael Letimalo, MP
- The Hon. Pollyins Ochieng', MP
- The Hon. Mohammed Hussein Ali, MP
- The Hon. Maison Leshoomo, MP
- The Hon. Nkoidila ole Lankas, MP
- \*The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterisk \* has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations of this Committee report).*

**Mr. Speaker, Sir,**

The following are the Members of the Committee who visited the Republic of Israel on a study tour:

- The Hon. Fred Kapondi Chesebe, MP – Chairman and head of delegation
- The Hon. Peter Kiilu, MP
- The Hon. Maison Leshoomo, MP
- The Hon. Cyprian Omollo, MP

**Mr. Speaker,**

The Departmental Committee undertook a study tour to the Republic of Israel from 24<sup>th</sup> to 30<sup>th</sup> January, 2010. During this visit, the Committee;

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## **PREFACE**

**Mr. Speaker, Sir,**

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the Standing Orders of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committee to;

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- (c) study and review all legislation referred to it;*
- (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
- (f) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

**Mr. Speaker, Sir,**

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) National Youth Service, and;
- vi) Natural disasters

The Committee deals with the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Ministry of Provincial Administration & Internal Security

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## **1.0 Executive summary**

### **1.1 Objectives of the visit**

The Departmental Committee on Administration and National Security undertook a study tour to the Republic of Israel from 24<sup>th</sup> to 30<sup>th</sup> January, 2010. During this visit, the Committee expected to;

- (i) Hold meetings on security issues with the relevant Israel Parliamentary counterpart Committee;
- (ii) Study and inquire into security measures that Israel uses to protect and safeguard its citizens' lives against organized crime;
- (iii) Inquire into methods that Israel employs against acts of international terrorism within and outside the country's borders;
- (iv) Study special anti-terrorism laws enacted to prevent and combat terrorism in line with the requirements of international conventions and protocols.

The Committee which is mandated to scrutinize policy issues touching on security of the country considered it prudent to visit Israel, a country faced by major security challenges. However, Israel has managed to keep its borders secure to a certain degree. The degree with which Israel has managed to keep its borders secure motivated the Committee to visit the country.

Kenya has many security challenges due to its porous borders with the neighbouring countries. Proliferation of small arms and light weapons (SALWs) from neighbouring countries such as Uganda, Southern Sudan, Ethiopia and Somalia poses major security risks. Also, influx of refugees from Somalia and Southern Sudan due to internal conflicts in these countries has compounded this problem. Stringent measures need to be put in place to control proliferation of SALWs as well as refugee influx. It was therefore necessary for the Committee to study the security systems that Israel uses to keep its borders safe and make desired recommendations.

Kenya has also been exposed to acts of terrorism in the past. The 1998 bomb blast in Nairobi was manifest of Kenya's vulnerability to terror attacks. The damage caused by acts of terrorism in the country has left indelible marks and the country cannot take security lapses for granted any more. The Committee set out to find out how Israel has been able to deal with the serious threats of terrorism that it faces from hostile neighbours. It was also necessary for the Committee to learn the methods Israel has employed to combat terrorism in line with the requirements of international conventions and protocols.

Israel is reputed to have very efficient and elaborate response to emergency situations. Israel's Magen David Adom is a Centre that offers emergency services to incidents such as mass casualties. It has a fleet of ambulances, a blood bank and back up personnel that enables the centre to deal quickly, adequately and efficiently with emergency situations. It was thus important for the Committee to visit this centre and establish the facts behind its success in handling emergency situations.

It was against this background that the Committee undertook a study tour to the State of Israel to acquaint itself with the security systems and procedures and make recommendations to the House for consideration and adoption.

## **2.0 The visit**

### **2.1 Areas visited**

The Committee had the opportunity to visit the following areas:

- i) The Israeli Police CCTV Command and Control Centre, Old City of Jerusalem
- ii) Ministry of Foreign Affairs
- iii) Knesset, the Israeli Parliament
- iv) Sdoret suburb overlooking the Gaza Strip
- v) Magen David Adom (M.D.A.) Ambulance Emergency Service Centre
- vi) National Emergency Authority, Ministry of Defence, Tel Aviv
- vii) Yad Vashem Memorial site
- viii) The Old City of Jerusalem
- ix) Embassy of the Republic of Kenya in Tel Aviv

### **3.0 Visit to the Israeli Police CCTV Command and Control Centre – Old City of Jerusalem**

The Committee paid a visit to the Israel Police Closed Circuit Television (CCTV) Command and Control Centre in the Old City of Jerusalem and Members were taken through the workings of the CCTV system.

The Committee heard that the Centre has a total of 300 cameras all centralized in one room. Every camera captures and records events in designated areas and streets of the town. There is also a centralized radio system that backs up the CCTV and links up all the security agents in

the precincts of the Old City and beyond. The staff at the Centre works as National service personnel and are in direct link with the police.

The Committee was further informed that a screen map shows the location of each camera and at a click of a button on a computer, the map shows the activity on location. More cameras are placed in the areas which are more susceptible to crime. The volatile temple mountain has more CCTV's than the other quieter zones. Information is relayed to the Commander and people in the trouble prone zones for them to be vigilante or stay away from the area. However the films cannot be used as evidence as the culprits caught in camera can claim of manipulation of the films.

Members heard that many of the would-be criminals walk around in hooded gear to hide them from being captured by the cameras. Also the Centre has a central location where citizens can report incidents. Patrol police also stand by to respond to any distress call from the city dwellers. Undercover police mingle with the crowds in a bid to unearth any perceived crime. The project covers one kilometer of the old city. The Centre has plans to improve the technology to make it more effective and cover other parts of Jerusalem city.

#### **4.0 Briefing by Mr. Nitzan Nuriel, Head of Counter-Terrorism Bureau at the National Security Council**

Mr. Nitzan Nuriel is the head of the Counter-Terrorism Bureau. The Bureau has various activities such as advising the Prime Minister on matters related to counter-terrorism. The Bureau's mission is to consider all aspects terror threats and relay the information to the other security agencies such as the Shabak, Mossad, the Military and the Police; coordinating all the security agencies on all matters related to terrorism such as the global Jihad phenomenon and; ensuring all systems that are engaged in fighting terrorism work.

#### **Challenges**

The Bureau head informed the Committee that the Bureau faces two main challenges;

1. Conversion of persons to the Islamic doctrines yet they are western by way of looks and mannerisms. They retain their Christian names, behave in a normal western culture but deep within they subscribe to Islamic ideals and thoughts.
2. Global Jihad phenomenon: - Terrorism is always evolving in time and with the advent of new technology. Terrorists are always exploring new ways and methods of attacks.



Chemical weapons are being devised as new Weapons of Mass Destruction (WoMD) by terror gangs.

During a visit to Kenya, Mr. Nitzan further informed Committee Members that his team made the following proposals in improving Kenya's security systems:-

- i) Training of air Marshalls by Israelis
- ii) Methods and procedures of handling security issues
- iii) Adaptation of the Israeli experience in structuring security systems
- iv) Case studies in Israel can adequately assist Kenya in dealing with crimes such as terrorism
- v) The World cup posed serious security concerns in the region, Kenya included. Israel was ready to assist South Africa and any other country that might need its support.

Mr. Nitzan recommended travel bans for citizens of countries who engage in acts of terrorism. Kenya has the responsibility to prevent crime from happening at all times.

The Committee further heard that Israel had learnt that by breaking routines, a criminal gives up on his prey. Authority to declare war on any enemy state is a cabinet decision. The Bureau ensures that the global jihad phenomenon remains on the discussion table of the Security Council at all the times. To succeed in the fight against terrorism, informers are very vital and an elaborate human resources system is required. A central desk is essential in to regulate information flow.

Mr. Nitzan informed the Committee that all arms the security agencies have to cooperate and each has to deliver to perfection. There is no room for competition as each agency has its own well defined roles and has to operate within that mandate. He suggested that Kenya's porous borders require military out posts and ought to be declared as hostile zones. Also political/executive decisions have to be taken to stop foreigners from entering into another country. A strong political back-up of the cabinet is necessary to achieve consensus on decisions taken.

Asked whether the State of Israel was considering reopening direct flights from Tel Aviv to Nairobi and vice versa, the Bureau chief said that after a visit to Jomo Kenyatta International Airport by a team of security personnel from Israel, they gave recommendations that required to be put into place to seal the security loopholes that were identified. It was up to the Kenya

Airports Authority to install simple security gadgets as advised so as to raise the security levels at the airport.

Israel, the Committee heard, had learnt her lessons from terrorism and was very conscious about security issues. Over 50 % of Israelis in the streets have a military background. The Committee was also informed that a team of high level security personnel shall be in Nairobi in the month of April 2010 for a capacity building programme aimed at increasing the level of security systems in the country.

### **5.0 Visit to the Sdoret suburb**

The Sdoret suburb borders the Gaza strip to the East. The settlement is 1 1/2 Km from the Gaza strip. Some workers also cross over from Gaza to work in Sdoret.

The Committee heard that the town has been a target of missile attacks from the neighbouring volatile Gaza Strip. Members of the Committee first visited the Sdoret Police Station where they were conducted around and shown the recovered missiles launched from Gaza and have been recovered and stored over the years.

Here, the Chief Security Officer of Sdoret town, Mr. Kobi, informed the Committee that Sdoret had been under attack from militias from Gaza for about 9 years now. About 12,000 mortars, rockets and missiles have been launched at Sdoret. Qassam missiles are made from simple metal substances such as discarded/unused water pipes and heads fitted with explosives extracted from simple items such as pesticide powders, melted sugar.

The Committee was further informed that materials used to make the missiles are usually donations from International Aid groups. Attacks have mostly been from Fatah, Hamas and other Jihad militia groups. Every group marks its own missiles distinctly, for instance some had Nasser, Aqsa and Grad markings indicating the group responsible for the attack. Rockets have a 3 km range and are stuffed with high explosives that explode with devastating impact on contact. Skud missiles are now in use and can reach a 12 km range and carry explosives of 5 kg capacity.

It was said that the Hamas militia group is in possession of 90mm missiles with more damaging potential. Some missiles are smuggled from nations that support the militias in Gaza. The Grad rockets have their origin in Iran. People have been drilled on how to react swiftly to missiles warnings. Children are also taught at an early age on how to take cover during threats. The

kids are usually traumatized by the conflict situations. Counselling is usually provided to the children to prepare them to live a normal life in conflict prone surroundings.

The Committee further heard that the 9 metre tall wall separating Gaza strip and the rest of Israel has brought down incidents of missile attacks. 'Operation Cast Lead' of December 2008 January 2009 reduced attacks from Gaza as Hamas were subdued during the period.

### **5.1 Visit to the Kobi Hill**

The Committee was informed that the Hill, named after the Chief Security Officer, overlooks the Gaza Strip. From the vantage point on the hill, one can see the sprawling City of Gaza, the power installations which supply electricity to Gaza as well as the city of Ashkul.

Mr. Kobi, Sdoret Chief Security Officer told the Committee that the Hamas sometimes strike the power installation point in effect cutting power supply to Gaza. Prime Minister Ariel Sharon evacuated Israelites from Gaza and ceded it to Islamic control. The orchard farms were deserted since the Hamas militias were using them as hideouts to launch missiles closer the town of Sdoret. Israelis cleared these areas to get rid/ward off Hamas attacks. During the operation the Hamas would use school children, civilian homes, and hospitals as shields.

Also relatives of Shaheeds (martyrs) are compensated with houses and property to cater for their lost kin. Also the Hamas provide shelter to would be Shaheeds in the homes of sympathizers where they plot and execute attacks against Israel. There have been several attempts of infiltration by Hamas militia to get over the boundary into Israel territory but these attempts have been thwarted early enough. The electronic fence has sensors that alert security personnel when there are attempts to get through.

Further, Members were informed that there are unmanned military outposts that have sophisticated military surveillance gadgets made in Israel to keep watch over Gaza. A floating balloon overlooking Gaza is also fitted with surveillance gadgets to increase the level of security.

### **5.2 Visit to a junior primary school in Sdoret**

The Committee heard that the caterpillar like structures offers the pupils shelter from rocket and shrapnel of missile attacks. These structures were built during 'Operation Cast Lead' time but are not much in use after the ceasefire. Also the play ground has structures with metal

guards to reduce missile impact in case of attack. About 1 million Israelis live under the threat of missile attack.

## **6.0 Meeting with the Foreign Policy and Security Committee of the Israeli Knesset**

The Committee Chair gave an account of areas where Israel and Kenya have successfully cooperated. He thanked Kenya for having been a trusted partner in global issues such as fight against terrorism and in commercial realms.

During this meeting, the Committee heard from the hosts that the Committee has 17 Members with Alternate/substitute Members. The Committee works in smaller sub committees which are closed to the public and the media due to the sensitive nature of security issues under discussion. The Committee takes up issues of legislation during Knesset plenary. The Prime Minister and the President are occasionally summoned to expound on policy issues.

### **Bilateral cooperation with Kenya**

The Committee Chair informed Members that Israel has fond memories for the assistance that Kenya offered it during the Entebbe rescue mission in the 80's. Israel wishes to make special contacts with Kenya. Kenya is seen as a leading example in Africa. The two nations have undergone various unique challenges. The two countries ought to explore new areas of cooperation such as technical and agricultural sectors to enhance relations between Kenya and Israel.

The Committee was informed that Israel has made big strides in technological advancement since independence and is making technical innovations by the day which can be of major benefit to Kenya. The anticipated dispatch of a technical security to Kenya to build capacity for Kenya's security agencies in April is a clear testimony of Israel's commitment to cement the already existing good ties with Kenya and further make the region more secure. Israel believes that Kenya will offer Israel the support it requires to fight International terrorism. Israel fully supports Kenya in its war with Al Shabaab militia group of Somalia which promotes terrorist ideologies.

### **Gaza strip and the Goldstone Report**

The Committee heard that many countries do not understand Israel in its war against terror. This has come out well in the recent UN Goldstone Report which narrates the events during 'Operation Cast Lead' which was carried out in Gaza Strip by the Israeli Defence Forces (IDF).

It should be noted that the decision to pull out of Gaza was difficult but over 10,000 Israelis were unilaterally withdrawn from their Gaza settlements.

Members were informed that the Islamic Jihad movements have used the same areas vacated by Israelis as missile launching fields. The continued missile attack by Hamas and other militia groups prompted Israel to initiate a deterrent campaign of systematic bombardment of Gaza from December 2008 to January 2009 to force Jihad groups from attacking Israel. This action by Israel did not go down well in the International arena and it was followed by a round of condemnation with nations calling for a probe into alleged human rights abuses. Hence the UN commissioned Justice Richard Goldstone to a UN fact finding mission on the Gaza conflict to investigate the allegations and come up with a report.

The Committee further heard that the Report paints Israel as a pariah state that has periodically violated human rights with impunity and has no regard for International law and sanctity of life. The Israeli Government has strongly refuted these claims and came up with a 46 page document to countenance the report which it considers as designed to disparage the good name of the State of Israel and her quest to end international terrorism.

It was further revealed that the Israel report gives a detailed account on how the IDF was careful in preserving human life despite aggression from Gaza and supporters of Jihad and how it acted with restraint when the militias hid behind schools and hospitals or captured school children and held them as hostages. Even when the lives of its soldiers were at stake, the reaction was measured. The State of Israel has as well opened a probe to look into the conduct of some of the implicated IDF soldiers during the operation.

It was said that the supporters of the Goldstone Report are driven by an agenda that strives to make the war against terrorism illegitimate. As far as Israel is concerned, no humanitarian crime was committed against the Palestinians in Gaza during Operation Cast Lead.

## **7.0 Tour of Knesset-The Israeli Parliament**

The Committee undertook a guided tour of the Knesset (Israel's Parliament) and learnt that;

The term Knesset means 'annual sitting'. The Knesset has sittings that begin in winter and end during the summer season. There are about five sittings in a year. The Knesset is organized and operates alongside Israel's basic law, which is about accepted customs and norms as opposed to a laid down constitution.

The Committee further learnt that the Knesset is structured into two parts. The lower part sits the Knesset Members and Members of Israeli Cabinet while the upper part constitutes the public gallery. Every Committee has a permanent committee room which is clearly marked.

The Members noted that security is well observed right from the entrance to the main building. Security checks are thorough and 24 hour surveillance CCTV cameras keep watch of the premises. The walls inside the building are beautifully decorated with Jewish tapestry depicting Jewish culture. Also hanging on the walls are portraits of former Prime Ministers of Israel since independence in 1948. An enlarged wall screen shows all former Israeli soldiers who died during the various wars. A tree sculpture outside the Knesset is a symbol of Israel's vital agricultural sector.

### **7.1 Plenary session at the Knesset**

The Committee Members attended a plenary session of the Parliament. The Knesset has sessions on Mondays, Tuesdays and Wednesdays. The proceedings of the Knesset are similar to those of most Commonwealth Parliaments. The Speaker was presiding over this session. To his left seats the Knesset Secretary General and the Sergeant at Arms while to his right is the podium used to deliver statements to the House. At that time, a Knesset Government Minister was delivering a reply to a question posed at his Ministry by a Member of Parliament.

It was interesting to observe the session where a Member of the Knesset had raised issues with the Minister for Agriculture about the affairs of her constituency in relation to the fishing activity there. The Minister in charge of Agriculture, standing in the dispatch box, made a statement on the Government's position over the matter.

The Committee further noted that every Member of the Knesset has his/her own desktop computer that displays the Knesset's agenda of the day. Voting is electronic. A big screen displays boldly the results of the votes cast, those 'for', 'against' and the 'abstentions'. All the Members had a copy of Rules of Procedure on the arm of their chair. The Knesset sits on Mondays, Tuesdays and Wednesdays.

### **8.0 Visit to the Magen David Adom (MDA) Ambulance Emergency Service Centre**

The Committee was informed that this is Israel's National Medical Emergency Centre. It is based in Tel Aviv. The Centre offers medical, emergency, blood and ambulance services. The

centre is recognized by the International Committee of the Red Cross (ICRC) and is a member of the International Federation of the Red Cross and Red Crescent Societies.

The Committee heard that the organization handles mass casualty events whenever they occur. The centre has state of the art vehicles, four helicopters and life-saving equipment. It has a blood bank which is serviced by volunteers. The Centre operates through volunteer services and has about 10,000 volunteers. It has about 1,200 staff that includes emergency physicians, emergency medical technicians and paramedics.

The Committee was further informed that the centre has participated in rescue missions such as the 1999 Tsunami in Turkey and the recent earthquake in Chile in February 27, 2010. The centre trains about 50,000 volunteers per year. It has dealt with 2,095 terrorist related cases. The response by ambulances is quite fast such that the first car arrives in a scene under five minutes. Preparedness is premised on an integrated doctrine, guidelines and protocol, supplies and accessories and training, education and drills.

Members further heard that response to mass casualty events depends on teamwork to make it successful. MDA has 95 stations and a fleet of about 700 ambulances country wide. Mobile intensive care units (MICU) are ambulances equipped with special equipment to deal with mass casualty occurrences. Most of the other ambulances are ordinary vans with basic life support equipment. MDA has a central dispatch system which shows the location of every ambulance who can be called upon in case of emergency hence the response is swift.

The Committee was further told that air ambulance is provided by the Israeli Air Force 699 unit, but MDA has now a fleet of four helicopters to help in rescue missions. MDA also assists in times of war as per the Geneva Convention, and also helps in tracing lost relatives of the holocaust.

#### **9.0 Meeting with the Directorate of the Strategic Planning and Cooperation Department: National Emergency Authority, Ministry of Defense**

The Committee heard that the Directorate offers courses in Emergency Management courses which are available for managers and other decision makers. The Department was established in order to respond to matters related to war missiles, pandemics such as influenza, manmade accidents, mega terror attacks, cyber crime, natural catastrophes, etc.

The Committee was further informed that the initiative to come up with the Department was the observation over many years that in disaster response and management, there was a lot of un-coordinated activities and confusion which led to more casualties than rescues. There was lack of a coordinated approach to emergency situations. An example was during the attack on the Northern city of Haifa during the Lebanese on-slaught. The response was best compared to a confused orchestra.

It was said that NEMA conducts different relief instruments during periods of Homeland security preparedness and response to emergency situations. There are five steps to Emergency response:-

- i) preparedness – actions to lessen damage
- ii) prevention – action to control/stop spread of damage
- iii) alertness – immediate steps to mitigate damage before and during the event
- iv) response – lessen damage while saving as many lives as possible.

The Committee further heard that before response to an emergency, the following steps are undertaken:

- i) Synchronization of response mechanisms
- ii) Priority essentials
- iii) Budget estimates
- iv) Coordination of the exercise

The Committee was further informed that during emergency, a national emergency response and management centre is build. NEMA is the body that brings about this coordination of emergency response units. NEMA has about 37 staff workers who are both civilians and military retirees. Among these people are advisers. There is not enough capacity as far as technical staff and backup is concerned. The body believes that service delivery must be optimal.

NEMA collaborates with the Federal Emergency Management Agency (FEMA) of USA and NATO.

#### **10.0 Meeting with Mr. Daniel Taub, Ministry of Foreign Affairs, Legal Division**

The Committee was informed that the Goldstone report paints Israel in bad light and state that disregarded respect for human sanctity. Israel has faced several challenges over the years, viz;

1. Increasing complexities of security issues – the fight against Hamas posed this challenge



as the Jihads took civilians as human shields and hid arsenal behind civilian facilities such as houses, mosques, hospitals, schools, etc.

2. The proportionality rule – keeping combat away from huge civilian populations to minimize casualties.
3. Increasing political role of International Organizations – international organizations look at the Israel issue politically and whether this conforms to International legal instruments.

The Committee heard that the building of the security fence was intended to control the expansionist Israeli right groups and also from infiltration into Israel from the Gaza strip and the West Bank by the extremist militias. The Israeli leftist groups advocate for coexistence of all the people living in Israel. The wall tremendously reduced security threats by terror groups.

Cases of terrorist groups are dealt with expeditiously by the Supreme Court. Legal tools of international Organizations are being politicized to the extent that they are being imposed on Israel. For instance the International Criminal Court wishes that its legal instruments be applied to Israel, but Israel is not a signatory to the ICC. Arrest warrants are being issued to Israeli nationals in foreign countries.

### **Facing the Challenges**

Members were informed that Israel has strove to make its intentions known to the world. The war against Hamas was out of a long process of peace negotiation between the interested parties. When this process failed, Israel announced its intention to wage war on Hamas. Even during the war, Israeli Defence Force would warn the civilians of an impending attack and ask them to move out of targets. There is extensive use of Position Guided Missiles.

The Proportionality principle is based on the theory that there should be as few casualties as possible. Israel has called off operations on many occasions when it occurs that the number of casualties could be in excess of the intended objective. Also Israel advocates for ceasefire during periods when humanitarian aid is being distributed to civilians in a war zone.

The Goldstone Report – Israel opened investigations on the conduct of the IDF during 'Operation Cast Lead' with a view to establishing whether there acts of human rights abuse during the operation. International Organizations that blame Israel for war crimes ought to be balanced and see the sense in Israel's actions when faced by International Terrorism across the globe. The irony is that as Israel tries to uphold the rule of law, terror groups are usurping the same but the blame would be heaped on Israel.

The Committee further heard that Hezbollah groups are smuggling arms and other weapons, drugs and heavy duty missiles from Egypt and other friendly nations into Gaza. While Israel wishes to support Palestine, it is difficult to do this since the presence of the Hamas has compounded the equation such that help cannot be accorded to the State of Palestine without inadvertently assisting the Hamas. Israel is bent on changing the mindset of martyrdom of the right wing fundamentalists and embraces the culture of a positive legacy.

It was pointed out that the ICC should operate on the principle of complementarity and only come in at the request of the state but not take it upon itself to vilify non member states for in-existent human rights violations. In cases where the law is not expressly clear; Israel uses precedents based on Mosaic Law.

The Committee further heard that for Israel to keep its security systems up, every adult must undergo some basic military training. Women serve in the armed forces just like their male counter-parts. Israel is on the threshold of coming up with a terrorism law to fight International terrorism. A drafting team is working to harmonize the law on terrorism with other laws on money laundering, drugs and trafficking and human trafficking, etc.

#### **11.0 Presentation on Assylum Seekers and Migrant workers by Simona Halperin, Head of Human Rights Department, Ministry of Foreign Affairs**

The Committee was informed that the organization was a Member of National Granting Committee which recommends persons for refugee status. There were many people who were migrating into Israel yet they were not genuine refugees. These people once in Israel would seek refugee status. Many refugees were coming from Eritrea and Sudan where they enjoy a non-return policy back to their countries.

The Committee heard that the organization vets refugee/asylum seekers and if they are not refugees as per the refugee convention, they are returned to the country of origin. The UN also provides guidelines on refugees coming from certain countries such as Eritrea. Other people come from neighbouring countries though in small numbers. If they are from an enemy state, they are referred to another country which is neutral. There exist no refugee camps in Israel. Some refugees find their way into Israel through the 200 km stretch boundary between Egypt and Israel, which is not fenced.

It was said that other illegal immigrants gain access to the country through unmarked border points. Israel has set up anti-infiltration laws to control influx of illegal immigrants. Many

immigrants/refugees consider Israel a safer zone to live in. Other economic and financial incentives attract refugees into the country.

## **12.0 Visit to Yad Vashem Holocaust Memorial Museum**

During a visit to the holocaust memorial site, the Committee was informed that the Museum was built in honour and remembrance of Israel's holocaust martyr's and heroes. It was established in 1953 through passage of the Yad Vashem Law by the Israeli Knesset.

### **Tour of the museum**

The Committee took a guided tour of the museum. Members were informed that the museum is located at the foot of Mount Herzl on the Mount of Remembrance in Jerusalem. Inside the Museum is the history of the holocaust captured on documentation, video, artifacts, remains of the victims personal items, personal testimonies by surviving relatives of the victims, photographs, etc. Near the entrance, a movie shows the Jewish celebratory life in Europe before the holocaust.

The Committee observed the various galleries that depicted stories on the horrors of the holocaust some of which were captured on live video. The story is vividly told from a Jewish perspective of the Jews who lived and died under the German Nazi rule. The artifacts are original items donated to the Museum by relatives of victims, holocaust survivors, holocaust museums and memorial sites around the world.

The Committee further learnt that the Museum is a centre for education, documentation, commemoration, research and publication, and recognizes the non Jews who risked their lives to save the Jews during the holocaust. The Museum operates an Internal school for holocaust studies, collects and documents names, photos, testimonies, commemorates holocaust victims, conducts and encourages research on the holocaust, as well as honouring those who assisted the Jews during the holocaust.

The Committee also toured the Children's memorial section of the museum. This section is designed in a manner that the roof is an imagery of thousands of twinkling stars representing the many children who perished during the holocaust but who live on. In fact their lives are immortalized by their voices that punctuate the darkness as they recount their ordeals during the holocaust. The Committee Members asserted that this is the most moving section of the Museum.

The Committee also noted that as one emerges from the symbolic semi darkness of the Museum's interior. they move into light and onto a glass balcony and have a magnificent view

of Jerusalem that somehow has promises of a bright future after the darkness and horrors of the holocaust.

### **13.0 Committee's findings and observations**

During the visit to the State of Israel, the Committee made the following observations and findings:

- i) That the matter of security was very important to the people of Israel, and anything that could compromise the security of its citizens was never taken for granted by the Government.
- ii) Over 90% of Israelis had basic military training and were able to detect situations that could pose danger to the individual or to others within a certain area. This training has enhanced security in the streets of the cities and towns in Israel as almost anyone has reasonable tact in self defense.
- iii) The patriotism exhibited by the Israelites for their land, religion and citizenship is insurmountable. This sense of belonging to one region and a common religion has unified the Jews to the extent that they have resisted to be divided even in the Diaspora. A sustained campaign is indeed on to bring all the Jews displaced during the holocaust back to the country.
- iv) Response to emergency situations is swift and efficient. Ambulances are placed at strategic areas and all the field personnel have pagers that are connected to a central dispatch system that relays information as soon as it receives it. This quick response has reduced casualties from emergency situations.
- v) The installation of complete circuit television (CCTVs) cameras especially in the old city of Jerusalem had drastically reduced incidences of crime and made response to distress calls swift. Many lives have been saved through images captured on camera.

#### 14.0 Recommendations

1. **The Government should consider building a security fence along the 1,000 kilometre stretch along the Kenya – Somali border. Though the venture is expensive, it should be done in phases and through grants from donors. In the long run it will protect our border from the volatile Somali region and diminish the threat of proliferation of arms and terrorism.**
2. **Surveillance along our border posts should be maintained at all times. Surveillance equipment should be put at the border posts that are not manned by personnel so that all the daily activities around the areas are recorded.**
3. **Complete circuit television cameras should be installed in various streets of our major towns so as to curb the escalating crime rates. Priority should be given to trouble spots that have registered high criminal activity over the years.**
4. **The disciplined forces should receive specialized training in order to make the agencies deal effectively with the emerging new trends of international crimes such as terrorism, cyber crime, drugs and human trafficking, kidnappings, etc.**
5. **The Government should embark on a serious project of improving response to emergency situations. More funds should be allocated for purchase of ambulances, fire-fighting trucks and other important equipment, and also train personnel in the field so as to minimize casualties in times of catastrophes.**
6. **Basic training especially on first aid should be introduced in elementary schools for children to learn basic skills on how to deal with emergency situations from an early age. This way a lot of emergency cases can be averted whenever they occur due to the presence of trained citizenry.**
7. **Kenya should take advantage of the cordial relations existing between her and Israel so as to benefit from the vast experience that Israel possess in the fight against international terrorism. The training of air Marshalls by**

**Israel should be sustained as a way of increasing security measures in the country.**

- 8. Kenya needs to adopt the recommendations made by the Israel security team that undertook a security check at the airport and found out that there were many glaring security lapses. These findings led to the discontinuation of direct flights from Nairobi to Tel Aviv and vice versa. The implementation of these recommendations will not only open Nairobi for direct flights with Tel Aviv, but also other international destinations will consider direct flights with Kenya.**