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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED
TERRITORIES

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the attached report, which was submitted to him by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in accordance with paragraph 9 of resolution 3240 A (XXIX) of 29 November 1974.

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LETTER OF TRANSMITTAL

13 October 1975

Sir,

In accordance with General Assembly resolutions 3240 A and C (XXIX), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has the honour to present the attached report formulated in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII) and 3240 A and C (XXIX).

The Special Committee must once again express its sincere thanks to the staff of the Secretariat that has been attached to it and to the other sections of the Secretariat that have co-operated with it for the diligence and conscientiousness with which they discharged their functions.

Accept, Sir, on my behalf and on behalf of my two colleagues on the Special Committee, the assurances of our highest consideration.

(Signed) H. S. AMERASINGHE
Chairman of the Special Committee
to Investigate Israeli Practices
Affecting the Human Rights of the
Population of the Occupied
Territories

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York, N. Y.

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I. INTRODUCTION

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly in resolution 2443 (XXIII) of 19 December 1968. By that resolution, the General Assembly decided to establish the Special Committee, composed of three Member States; requested the President of the General Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, to co-operate with it and to facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter; and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

2. The following Member States were appointed on 12 September 1969 to serve on the Special Committee: Somalia, Sri Lanka and Yugoslavia. The Government of Sri Lanka appointed Mr. H. S. Amerasinghe, Permanent Representative to the United Nations, as its representative on the Special Committee. The Government of Yugoslavia appointed Mr. Borut Bohte, Associate Professor of the Faculty of Law of Ljubljana University and Member of the Federal Assembly of Yugoslavia, as its representative on the Special Committee. On 26 April 1974, the President of the General Assembly at its twenty-eighth session informed the Secretary-General that Somalia had decided to withdraw from the Special Committee and that, in conformity with paragraph 2 of Assembly resolution 2443 (XXIII), he had appointed Senegal a member of the Special Committee. On 30 April 1974, the Permanent Representative of Senegal to the United Nations informed the Secretary-General that his Government had appointed Mr. Keba M'Baye, Chief Justice of Senegal (Premier Président de la Cour suprême du Sénégal), as its representative on the Special Committee (see para. 12 below).

3. On 5 October 1970, the Special Committee submitted its first report 1/ in accordance with General Assembly resolutions 2443 (XXIII) of 19 December 1968 and 2546 (XXIV) of 11 December 1969. The report was discussed in the Special Political Committee at its 744th to 751st meetings, from 7 to 11 December 1970. On 15 December 1970, the Assembly examined the report of the Special Political Committee 2/ and adopted resolution 2727 (XXV).

4. On 17 September 1971, the Special Committee submitted its second report (A/8389 and Corr.1 and 2), prepared in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV). On 10 December 1971, the Special Committee submitted a third report (A/8389/Add.1 and Add.1/Corr.1 and 2) containing information which had become available after the completion of its

1/ Official Records of the General Assembly, Twenty-fifth Session, agenda item 101, document A/8089.

2/ Ibid., Annexes, agenda item 101, document A/8237.

second report. Those reports were discussed in the Special Political Committee at its 798th to 803rd meetings, from 13 to 16 December 1971. On 20 December 1971, the General Assembly considered the report of the Special Political Committee 3/ and adopted resolution 2851 (XXVI).

5. On 25 September 1972, the Special Committee submitted its fourth report (A/8828) in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV) and 2851 (XXVI). The report was discussed in the Special Political Committee at its 849th to 855th meetings, from 30 November to 7 December 1972. On 15 December 1972, the Assembly examined the report of the Special Political Committee 4/ and adopted resolution 3005 (XXVII).

6. On 15 October 1973, the Special Committee submitted its fifth report (A/9148) in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI) and 3005 (XXVII). On 20 November 1973, the Special Committee submitted a supplement to its fifth report (A/9148/Add.1). The report and its supplement were discussed in the Special Political Committee at its 890th and 892nd to 897th meetings, from 19 to 26 November 1973. In addition, the Special Political Committee considered the report of the Secretary-General (A/9237) submitted pursuant to General Assembly resolution 3005 (XXVII). On 7 December 1973, the Assembly examined the report of the Special Political Committee 5/ and adopted resolutions 3092 A and B (XXVIII).

7. On 25 October 1974, the Special Committee submitted its sixth report (A/9817) in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII) and 3092 B (XXVIII). The report was discussed in the Special Political Committee at its 927th to 932nd meetings, from 6 to 12 November 1974. In addition, the Special Political Committee considered the report of the Secretary-General (A/9843) submitted pursuant to General Assembly resolution 3092 B (XXVIII). On 29 November 1974, the Assembly examined the report of the Special Political Committee 6/ and adopted resolutions 3240 A, B and C (XXIX).

8. The present report has been prepared in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII) and 3240 A and C (XXIX).

3/ Ibid., Twenty-sixth Session, Annexes, agenda item 40, document A/8630.

4/ Ibid., Twenty-seventh Session, Annexes, agenda item 42, document A/8950.

5/ Ibid., Twenty-eighth Session, Annexes, agenda item 45, document A/9374.

6/ Ibid., Twenty-ninth Session, Annexes, agenda item 40, document A/9872.

II. ORGANIZATION OF WORK

9. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General.

10. The Special Committee held meetings from 10 to 14 March 1975 at Geneva. At these meetings it reviewed its mandate consequent on the adoption by the General Assembly of resolutions 3240 A and C (XXIX). It decided on the organization of its work for the year. The Special Committee decided to continue its system of monitoring information on the occupied territories and to hold periodical meetings to analyse the information to keep track of the occupying Power's policies and practices in the occupied territories. At these meetings, the Special Committee reviewed information on the occupied territories which had become available since 25 October 1974, the date of the adoption of its sixth report (A/9817). In response to a request by persons who had just been expelled from the occupied territories, the Special Committee decided to hold hearings in Geneva during its March meetings. In accordance with resolution 3240 C (XXIX) the Special Committee initiated action to recruit an expert or experts and for that purpose, during these meetings, held consultations with qualified institutions and persons to determine the expertise required of the person who would carry out the evaluation requested by the General Assembly.

11. The Special Committee held a second series of meetings at Geneva from 12 to 20 May 1975. At these meetings, the Special Committee reviewed information that had become available since its March meetings and examined further evidence on allegations made by persons who had appeared before it during the previous series of meetings. The Special Committee also heard testimony in closed session during the May meetings.

12. The Special Committee held a third series of meetings from 29 September to 9 October 1975 in New York to examine information on the occupied territories, including allegations of violations of human rights in the occupied territories made by the Government of Egypt. At these meetings the Special Committee considered and adopted its report to the Secretary-General. Mr. Médoune Fall, Permanent Representative of Senegal to the United Nations, was designated by the Government of Senegal to represent it instead of Mr. Keba M'Baye for this series of meetings. Mr. Chérif Bachir Djigo, Counsellor at the Permanent Mission of Senegal to the United Nations, attended meetings of the Special Committee whenever Mr. Fall was unable to be present.

13. During the course of the year, the Special Committee received a number of communications addressed to it directly or referred to it by the Secretary-General, from Governments, organizations and individuals, containing allegations that Israel was taking certain measures in the occupied territories in violation of the human rights of the civilian population of the occupied territories.

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III. MANDATE

14. The Special Committee's interpretation of its mandate was contained in its first report to the Secretary-General, in which the Special Committee determined the scope of its investigation.

15. In its subsequent reports the Special Committee reiterated its interpretation in the light of the relevant General Assembly resolutions and, in each instance, continued to exercise its functions according to that interpretation.

16. In its last report (A/9817) the Special Committee reviewed its mandate in the light of the disengagement of forces agreements concluded during 1974 between Egypt and Israel and between the Syrian Arab Republic and Israel.

17. At its twenty-ninth session the General Assembly adopted resolution 3240 C (XXIX), in paragraph 3 of which it requested "the Special Committee, with the assistance of experts, designated if necessary in consultation with the Secretary-General, to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction".

IV. ANALYSIS OF EVIDENCE

18. The Special Committee continued its investigation of allegations of violations of human rights of the population of the occupied territories consequent on the adoption of resolutions 3240 A and C (XXIX) by the General Assembly.

19. The Special Committee, though still denied access by the Government of Israel to the occupied territories to conduct its investigation on the spot, continued to follow, on a day-to-day basis, developments in the occupied territories and reports of statements by members of the Government of Israel and other Israeli leaders. The Special Committee continued its coverage of a representative section of the Arab press. The Special Committee had before it allegations made to it by Governments and evidence furnished by these Governments to substantiate these allegations. The Special Committee heard the testimony of six persons in open meeting (A/AC.145/RT.64-69) and one person in closed meeting. In addition, the Special Committee took note of the following material relevant to its mandate:

(a) Information contained in United Nations documents, some of which contain the text of letters from the Governments of Egypt, Israel, Jordan and the Syrian Arab Republic;

(b) Information communicated to it by the International Committee of the Red Cross and contained in its publications;

(c) Studies and reports prepared by organizations and individuals engaged in research on Middle East questions, including a report received from the Women's International Democratic Federation.

The Special Committee also had before it evidence in the form of films.

20. The Special Committee did not allow the Government of Israel's refusal of co-operation to interfere materially with its investigation. The Special Committee, however, reiterates its belief that there remain certain allegations, the investigation of which could be more thoroughly conducted on the spot. The investigation of such allegations continues to be hampered by the persistent denial of the Government of Israel to the Special Committee of access to the occupied territories.

21. In resolution 3240 A (XXIX) the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices in the territories occupied by Israel since 1967. In its investigation of the policies and practices followed by Israel in the occupied territories for the purpose of establishing whether or not those policies and practices were in violation of the human rights of the population of those territories, the Special Committee has examined those sources which it deemed unimpeachable, namely, statements made by the members of the Government of Israel and other Israeli leaders, and Israeli

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reports of plans and measures in the occupied territories, where such statements and reports have not been challenged, contradicted or refuted.

22. The action undertaken by the Special Committee in the implementation of resolution 3240 C (XXIX) is described in section V below.

23. By a letter dated 19 December 1974, addressed to the Secretary-General by the Chairman of the Arab Group at the United Nations and which was referred to the Special Committee, the Special Committee was formally seized of the question of the arrest, trial and imprisonment of Archbishop Hilarion Capucci. The Special Committee examined the allegations made in the letter of 19 December 1974 and subsequent statements made in support of these allegations to the effect that Archbishop Capucci had been wrongly arrested, tried and imprisoned. The Special Committee had before it letters addressed by the Government of Israel to the Secretary-General replying to these allegations and stating the position of that Government with regard to them.

24. The Special Committee considered the contents of these letters and determined that its inquiry should properly be limited to the question of the status of Archbishop Capucci before the Court and to the competence of the District Court of Jerusalem. For that purpose the Special Committee examined the pleas of the prosecution and the defence on these points, as well as the relevant provisions of the Fourth Geneva Convention, 7/ contained in articles 27, 47, 64 and 66.

25. On 15 April 1975, the Government of Egypt addressed a letter to the Secretary-General alleging mass forcible transfer of civilians in Sinai by the Israeli military authorities. The Special Committee took note of further representations made by the Government of Egypt and the replies of the Government of Israel to these allegations contained in United Nations documents.

26. Since the adoption of its last report, the Special Committee has received considerable evidence on the situation in the occupied territories. At the twenty-eighth session of the General Assembly, the Chairman of the Special Committee expressed the Special Committee's view in the Special Political Committee that it saw no further purpose in furnishing the Assembly with more evidence until and unless major changes in the situation took place. He stated that the Special Committee had furnished the General Assembly, through the Secretary-General, with all the necessary information and it was incumbent on the Assembly to take appropriate action to remedy the situation of the civilians of the occupied territories. In this report, as in its last report, the Special Committee restricted itself to those areas of civilian life in the occupied territories where marked changes were detected, the situation in general remaining as reflected in the previous reports of the Special Committee. In particular, the Special Committee wishes to reiterate that, despite the implementation of the agreements on disengagement of forces reached in 1974, the situation so far as the civilians under Israeli military occupation are concerned was not materially

7/ Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, Treaty Series, vol. 75, No. 973, p. 287).

altered as the overwhelming majority of the civilian population brought under Israeli occupation in 1967 continues to remain under such occupation. The same observation applies to those civilians who are prevented from returning to their homes after having fled the hostilities or who had been expelled during and after the hostilities in 1967. In this sense, therefore, no change has occurred in the situation which forms the subject of the Special Committee's investigation.

27. In general, the evidence received by the Special Committee reflects no significant change from recent years in the day-to-day situation of the civilian population of the occupied territories, whether living under Israeli military occupation or in other areas outside the occupied territories and awaiting return to the homes. Aspects of the occupation that remain unchanged refer, for example, to:

(a) Measures of economic exploitation, in particular the use of the labour force of the occupied territories as a source of cheap labour within Israel;

(b) Prison conditions, particularly in so far as they worsened as a result of the marked increase in the number of persons imprisoned during 1975;

(c) The conditions in which the youth of the occupied territories are receiving their education as well as their character formation;

(d) The continued implementation of the policy of annexation of the occupied part of Jerusalem, in particular through the realization of the Master Plan which formed the subject of comment by the Special Committee in earlier reports, as well as excavation and similar measures in violation of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954. 8/

28. On the other hand, since the date of the adoption of the last report by the Special Committee, certain trends and developments in the occupied territories have manifested themselves sufficiently to warrant mention and emphasis by the Special Committee in this report. These trends may be classified in the following areas affecting civilian life which are protected by the Fourth Geneva Convention:

(a) The continued existence of a policy of annexation and settlement of the occupied territories;

(b) The abnormal situation of the civilian population living under military occupation, as reflected by the continuing occurrence of incidents manifesting resistance to the occupation, mass arrests, administrative detention and military court trials;

(c) A policy of reprisal in the form of such measures as demolition of houses, expulsion of persons prominent in the Arab community, prohibition of the

8/ United Nations, Treaty Series, vol. 249, No. 3511, p. 215.

sale of produce during the high market season, and the closing down of shops and commercial areas.

29. In subsections A, B and C below, the Special Committee has endeavoured to give a representative selection of the evidence that it has received as illustrative of the existence and extent of the trends referred to in the preceding paragraph. A fourth section analyses evidence on allegations that do not fall strictly within these three sections.

A. Evidence relating to the policy of annexation and settlement

30. The following evidence received by the Special Committee relates to the allegations of the continued existence of a policy of annexation and settlement of the occupied territories by Israel.

1. Continued existence of a policy of annexation and settlement

31. On 1 January 1975, Mr. W. Rafael, Minister for Religious Affairs, stated on Radio Israel that 30 new settlements were to be established in the occupied territories during 1975.

32. On 7 February, Ha'aretz reported a statement by Mr. A. Ofer, Minister of Housing, in which he referred to "an over-all plan for new settlement, consisting of dozens of new settlements". In the same report 62 settlements are reported to have been established in the occupied territories so far.

33. On 10 February, Ha'aretz reported that \$1 800 million had been invested in the establishment of settlements in the occupied territories since 1967. According to this report, 44 settlements had been established and 8 were under construction; these settlements are located in the Gaza Strip (11), including Sinai, the Golan Heights (19), and in the Jordan Valley (16).

34. On 17 February, Ha'aretz reported plans by the Jewish Agency's Settlement Department to establish about 80 new settlements in Israel and in the occupied territories during the next three years, giving details of the proposed location of these settlements.

35. On 18 February, the Jerusalem Post reported an announcement by the Income Tax Commission of Israel that Israelis living in the occupied territories were to be granted "sizable exemptions from income tax".

36. On 5 March, Ma'ariv reported a statement by Mr. Ofer, Minister of Housing, according to which the Ministerial Committee for Settlement Affairs had confirmed the establishment of 11 new settlements in 1975 in addition to the 9 settlements previously decided upon.

37. On 14 April, Ha'aretz reported that 48 settlements had been established in the occupied territories since 1967 and that 6 more would be established in 1975.

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38. On 21 April, according to a Radio Israel broadcast, the Jewish National Fund was completing preparation for nine new settlements to be established in Rafah, the Golan Heights and the West Bank.

39. On 26 May, Ma'ariv reported a statement by Mr. Ofer, Minister of Housing, according to which 15 new settlements were under construction, including 10 in the occupied territories.

2. Implementation of the policy of annexation and settlement in the occupied territories

(a) Gaza Strip

40. On 24 November 1974, Ha'aretz reported the establishment of a new settlement in the Gaza Strip called "Ugda".

41. On 27 December 1974, the Jerusalem Post, referring to a visit to the Rafah area by the Minister of Housing, Mr. Ofer, stated that "the swiftly rising homes and commercial buildings convince you that the Government meant business when it decided recently that three regions must receive top settlement priority: the Golan, the Jordan Rift - Arava, the Rafah Approaches". The same report quotes the Housing Minister as stating that Israel's real need was for settlers and not places to settle. Ma'ariv reports the visit by Mr. Ofer and quotes the Minister as stating that by the end of 1975 a shopping centre, a synagogue and an industrial zone would be ready and education services would be available; there would be 10 settlements in the area and one regional centre providing housing for 1,000 by that time. The report quotes the architect of the regional centre, Mr. Y. Drexler, as stating that the projected Israeli town of "Yamit" was planned on an estimated future population of 250,000 inhabitants.

42. On 10 January 1975, Radio Israel and Ma'ariv reported the establishment of a new settlement in the Rafah area.

43. On 14 January, Ma'ariv reported that five Nahal settlements in the Rafah area were designated to become permanent.

44. On 12 February, Ha'aretz reported complaints by the Bedouin tribes in the Rafah area of expropriation of land and destruction of crops.

45. On 28 February, Ma'ariv reported a decision by the Ministry of Agriculture's Planning Administration to establish six new settlements in the Rafah area involving an expenditure of £1 60 million; by 1980 the new settlements would join the existing three settlements and would house approximately 1,000 families. On 8 April, Radio Israel reported a meeting between Mr. S. Peres, Minister of Defence, and sheikhs representing approximately 1,500 Bedouin families that had been "evacuated" from this area during the last few years. According to the report, the meeting was part of "current plans to provide assistance to all the Bedouin families evacuated from the Rafah Approaches over the last few years".

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46. On 9 April, Ma'ariv quoted Defence Minister Peres as stating that 1,530 families had been evacuated from the Rafah area since 1972, and that 666 of them had been resettled elsewhere.

47. On 28 April, Ha'aretz reported Mr. S. Avni, of the Housing Ministry, Rural Housing Administration, as stating that "Yamit" would be populated with emigrants from the United States and the Soviet Union. A commission had fixed criteria for this purpose. Three hundred and fifty flats so far available were to be distributed as follows: 80 for immigrants from the United States and Soviet Union, 150 for the general public, 100 for the Israeli army, and the remainder to house policemen, teachers, etc.

48. On 15 May, Le Monde carried a report by its special correspondent describing the expropriation and evacuation of the inhabitants of the Rafah area and the consequent establishment of Israeli settlements on their land.

49. On 20 May, Ma'ariv reported that land was being "prepared" for 1,000 apartments in addition to the 350 scheduled to be completed by the end of 1975. On 26 May, the Jerusalem Post reported that no approval for the completion of these 1,000 apartments had been given but that this was expected before the end of 1975.

50. On 26 May, the Jerusalem Post reported a statement by the Prime Minister, Mr. Y. Rabin, that there had been no Cabinet decision to build these 1,000 housing units at "Yamit"; rather, the construction of 390 units had been decided upon and the infrastructure for an additional 600 had been approved.

51. On the same date, Ma'ariv reported a statement by the Minister of Tourism, Mr. Moshe Kol, that there had not yet been a government decision to build the town of "Yamit" but only a regional centre - consisting at first of 350 houses - to supply services to the settlements in the area.

52. On 29 May, Radio Israel reported a statement by the Minister of Housing confirming that the Government had given permission for land to be "prepared" for the construction of 1,000 units; approval for the actual construction had not yet been given.

53. On 1 June, Radio Israel announced that apartments in the "Yamit" area were available for sale.

54. On 8 June, Ma'ariv and the Jerusalem Post reported a statement by the Minister of Transport, Mr. G. Y'acobi, as follows: "Even in the most minimal plans ever envisaged by Israel, the possibility of cutting the Rafah Salient from Israel has never been thought of. The best evidence is the policy of this Government which, like its predecessor, continues to develop the urban centre of the Rafah Salient, 'Yamit'". The reports also refer to plans of the Government of Israel for the construction of a new port "a few miles north of Yamit".

55. On 29 July, Ha'aretz carried an article by a member of a kibbutz in the Gaza Strip, Mr. O. Lifschitz, protesting against the treatment of the Arab

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civilian inhabitants who had been evacuated from the Rafah area and the lack of effort to rehabilitate them.

56. On 18 August, Ma'ariv reported a decision by the Ministerial Committee for the settlement of the occupied territories (headed by Mr. I. Galili, Minister without Portfolio), "to reduce water and land allocations of existing settlements in the Rafah Salient in order to enable the establishment of a greater number of settlements and to prevent cultivation of soil by 'hired labourers'".

57. On 27 August, the Jerusalem Post reported protests by the Arab civilians who had been served with a third eviction order to evacuate their village, Abu Shanar, situated "within a forest of palm trees overlooking the Mediterranean".

58. On 4 September, Ha'aretz reported that arrangements to relocate civilians had been "received with ill-humour among Bedouins".

(b) Golan Heights

59. On 10 November 1974, the Jerusalem Post, reporting on a seminar organized by the Ministry of the Interior and the Israeli Association of Engineers and Architects, referred to a master plan for the Golan Heights reported to be in the final stages of completion.

60. On 24 November 1974, Ha'aretz reported that tractors of the Ministry of Housing had been "preparing" land on the Golan Heights for several days.

61. Reports in Ma'ariv, Ha'aretz and the Jerusalem Post on 12, 23 and 28 January 1975 give details on the preliminary work for the construction of an urban centre for the Golan Heights and on plans for three new settlements to be built during 1975.

62. On 11 February, Ma'ariv reported a complaint by the inhabitants of a village in the northern Golan Heights against a decree under which some other property which they claimed they had cultivated for over 40 years was declared "a natural reserve".

63. On 18 February, the Jerusalem Post reported a statement by the Prime Minister, Mr. Rabin, during a visit to the Golan Heights, to the effect that "Israel did not build settlements in the Golan Heights in order to evacuate them or to create a situation in which these settlements would not be part of the Jewish State". According to the same report Mr. Admoni, Director of the Settlement Department of the Zionist Federation, stated that \$1 250 million had been spent so far on the "non-military infrastructure in the Golan Heights".

64. On 21 February, the Jerusalem Post reported a statement by the Minister of Housing, Mr. Ofer, referring to "the new settlement movement in the territories ... as the biggest settlement enterprise undertaken since the creation of the State of Israel. These settlements are important to us both for the definition of the boundaries of the State and the strengthening of its security".

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65. On 10 March, Ma'ariv reported that Israeli national insurance benefits would be extended to cover Israelis in the Golan Heights.
66. On 1 June, Ma'ariv reported a statement by Mr. S. Avni, on behalf of the Minister of Housing, according to which £I 800 million had been spent for construction of new settlements, including £I 350 million for the Golan Heights.
67. On 12 June, the Jerusalem Post reported that the Ministry of Housing had spent £I 90 million for the first stage of a new settlement in the central Golan Heights, to be called "Katzrin".
68. On 18 June, Ma'ariv and Radio Israel announced that the Government had approved the construction of an urban centre and two settlements for the Golan Heights.
69. On 4 August, Radio Israel announced that the settlements in the Golan Heights had produced the equivalent of £I 140 million in goods and services during 1975.
70. On 20 August, Radio Israel broadcast a statement by Defence Minister Peres according to which Israel would not give up the settlements in the Golan Heights even after negotiations.
71. On 26 August, the Jerusalem Post reported that there were now 20 settlements in the Golan Heights. On the same day Ma'ariv reported a statement by Mr. I. Galili, Minister without Portfolio, reassuring representatives of the settlers in the Golan Heights that the Government of Israel had not changed its attitude and that it was "determined that no settlement be removed".
72. On 29 August, the Jerusalem Post reported action taken by a settlement group calling itself Bnei Akiva to establish a settlement in the central Golan Heights without Government approval.
73. On 10 September, the Jerusalem Post reported that the Housing Minister, Mr. Ofer, had called for a reconsideration of the establishment of four new settlements in the Golan Heights; on 14 September, the Jerusalem Post announced that the ministerial committee for the settlement of the occupied territories had forwarded the matter of the establishment of four new settlements in the Golan Heights to the full Cabinet.
74. On 19 September, the Jerusalem Post reported a statement by Police Minister S. Hillel to representatives of the settlers in the Golan Heights to the effect that the Government had not approved the establishment of settlements in the Golan Heights just to remove them.
75. On the same date, the Jerusalem Post reported the inauguration of the first regional elementary school for children of Israeli settlers in the Golan Heights - the report states that there were 330 Jewish school-children in the entire Golan Heights.

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(c) West Bank

76. A report appearing in the Jerusalem Post magazine on 8 November 1974 described what it called the policy of the Government of Israel in the establishment of Israeli settlements on the eastern extremity of Jerusalem and the projects undertaken in the execution of this policy. The report quoted the Director of the Ministry of Housing, Jerusalem District, Mr. A. Baron, as stating that "the purpose of these new projects is to 'fortify the city by contiguous Jewish settlement and provide room for sufficient Jewish growth'". According to Mr. Baron, these settlements would also provide a form of defence, and to enable this development, 17 dunams in East Jerusalem had been expropriated for housing developments. Nine thousand families have settled in the occupied part of Jerusalem since 1967 and 20,000 apartments would have been completed or would be in the construction stage by the end of the fiscal year.

77. The Special Committee would draw attention to the following passages from a report appearing in the Christian Science Monitor of 5 March 1975 by John K. Cooley entitled "A Bulldozer Battle for Jerusalem" as illustrating the type of information before the Special Committee:

"Property developers in Israeli-annexed East Jerusalem are continuing pressure to evict and 'relocate' Arab inhabitants of the old walled city and to 'modernize' it.

"Evicted Arab families see boxlike constructions of new Israeli housing rising from the debris of their demolished homes."

78. On 25 November 1974, the Jerusalem Post reported a decision by the Government of Israel to build an industrial centre in the occupied territories in an area 14 kilometres east of Jerusalem on the road to Jericho. On 3 March 1975 Radio Israel and the Jerusalem Post reported an attempt by a group of Israelis to settle at the industrial settlement between Jerusalem and Jericho known as "Maale Hadumim"; the group was evacuated by Israeli forces. On 15 April 1975, Ha'aretz reported that the military Government had seized "several thousand dunams" of land belonging to the villages of Azariya and Abu-Deis, situated near the industrial settlement of "Maale Hadumim". The land had been declared "closed" two years earlier for military purposes. On 21 May, Ma'ariv reported the start of construction of "Maale Hadumim". On 9 July 1975, Ha'aretz reported that the military Government had expropriated 30,000 dunams of land near the Jerusalem-Jericho road designed to extend the area of "Maale Hadumim". The report adds that 7,000 dunams of this land had been declared a "closed" area by the military Government some years earlier. The report states that, so far, property in the West Bank had not been expropriated, but seized by the military Government or declared closed for a limited period; expropriated land was Government owned. On 22 September 1975, the Jerusalem Post reported that the Government of Israel had given permission for 60 settlers to move into housing at "Maale Hadumim".

79. On 13 January 1975, Ma'ariv reported a new settlement to be established in the central Jordan Valley. The settlement would consist of 350 houses, an

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education centre, and a centre for small industry, agriculture and administrative services to be constructed next to the settlement.

80. On 23 January, Ma'ariv reported the publication of new regulations by the military commander of the West Bank permitting Israeli settlers in "Kiryat Arba", the Israeli settlement in Hebron, to buy flats that they now rent and to lease land for construction of houses from the Land of Israel Authority.

81. On 14 February, Radio Israel reported the construction of 150 new houses in the Israeli settlement in Hebron, "Kiryat Arba".

82. On 18 February, Ha'aretz reported that the military Government was to start legal proceedings against Arab civilians who had constructed houses near the Israeli settlement, an area which had been declared "closed" some years earlier.

83. On 16 February, Ha'aretz reported that the military Government had declared an area of 200 dunams of land belonging to villages from Tubas and the northern Jordan Valley as "closed" for the use of Israeli forces.

84. On 6 March, Ma'ariv reported a plan by the Ministry of Housing to construct an additional 577 apartments in the Israeli settlement in Hebron over the next two years and the laying down of foundations for another 200.

85. On 21 April, Ha'aretz reported the establishment of two military settlements near Bethlehem, both intended to be converted into civilian settlements.

86. On 7 May, Radio Israel announced that an unauthorized settlement had been established at a former Jordanian army camp 6 kilometres east of Ramallah. On 4 June 1975, Ha'aretz reported the establishment of an unauthorized settlement called "Ofra". On 18 June 1975, Ma'ariv reported that Defence Minister Peres gave his authorization for "Ofra", ex post facto.

87. On 23 June, Ma'ariv reported the construction of a new settlement in the West Bank and plans for an additional four settlements. The report quotes as its source Mr. U. Yaffe, Chairman, Regional Council of Beit-Shean Valley.

88. On 15 July, Ha'aretz reported the establishment of a "workers' camp" north of Ramallah. According to the report the camp, established with Government authorization, was designed to turn into a permanent settlement.

89. On 9 January, Radio Israel reported a communiqué by the Military Governor of Beit Jallah requesting inhabitants of the town who were complaining that their property had been seized to produce their title deeds to the military authorities. The same report states that the military authorities had recently occupied several areas, claiming that this land was not the property of the local population.

90. On 17 July, Ha'aretz reported a proposal by the Ministry of Housing to build a 200- or 500-family settlement west of Bethlehem near Ras Beit Jallah.

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91. On 22 July, Ha'aretz quoted "well-informed sources" according to which the Jewish National Fund was undertaking extensive land purchases in and around Ramallah.

92. On 14 August, Ma'ariv reported that land preparation had been undertaken for the "first urban settlement" known as Maaleh Efraim. According to the report this settlement was designed to provide essential services to Israeli settlers in the Jordan Valley and it was to be inhabited by all those employed in industrial plants to be set up in the future in the region.

(d) Sinai

93. On 20 February 1975, Radio Israel reported the inauguration of a permanent settlement near Sharm El-Sheikh.

94. On 8 April, Radio Israel announced that 46 houses had been completed at Sharm El-Sheikh.

95. On 11 May, the Jerusalem Post quoted the Minister of Housing, Mr. Ofer, as stating that there was no plan by the Government for Sharm El-Sheikh. This statement was contradicted by the Director of the Southern Sinai Civil Authority, Mr. Aloni. On 18 May, the Jerusalem Post reported a further rebuttal of Mr. Ofer's statement by Mr. I. Galili, Chairman of the Ministerial Committee for the settlement of the occupied territories, who confirmed there was a Government plan to build 1,000 units at Sharm El-Sheikh over the next few years.

96. On 10 May, Radio Israel reported a statement by the Minister of Housing to the effect that the Government had only voted money for the project and that housing would only be constructed for persons employed at Sharm El-Sheikh. The settlement there was intended to be a military settlement.

97. On 15 April, the Permanent Representative of Egypt to the United Nations addressed a letter to the Secretary-General and requested that it be brought to the attention of the Special Committee. In this letter the Government of Egypt alleged that Israeli authorities had "forcibly transferred a number of the population of Sinai from the areas of Ain Sadr and the Al Hama and Al Raha mountains to other areas". According to this letter the transfer affected six tribes, five of which had been evicted in 1969 from the areas of Mitla and Al Gidi Passes and the Gifgafa areas. The total number of persons said to have been affected was approximately 1,800 (A/10074). Upon receipt of this allegation, the Special Committee addressed the Permanent Representative of Egypt on 14 May 1975 as follows:

"... Prior to undertaking further consideration of the contents of your letter, the Special Committee would be grateful if your Government could provide the following further details: the time when the forcible transfer referred to in the second paragraph in your letter took place, the identity of the tribes affected, and the place and places to which they were transferred."

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98. The Special Committee requested the Government of Egypt to furnish information "as to the time when these transfers occurred in 1969 and whether the figure of 1,800 persons refers to the total number of those transferred in 1969 and in 1975 or, if not, what exactly that figure represents". The Special Committee also stated that it would assist them if the Government of Egypt were to send a representative to give oral evidence in substantiation of the allegations before the Special Committee. On 14 May 1975, the Special Committee, in a communication addressed to the Permanent Representative of Israel, referred to the allegations contained in the letter received from the Government of Egypt and informed the Government of Israel that it had decided to ask the Government of Egypt for further substantiation of these allegations. The Special Committee extended an invitation to the Government of Israel "to present its observations on the allegations made by the Government of Egypt" and requested the Government of Israel to send a representative to its meetings for the same purpose.

99. On 24 June 1975, the Permanent Representative of Egypt transmitted further details on the forcible transfer of population in Sinai. This information gives the names and numbers of tribes affected by the transfer as follows:

"Agayla Tribe

Ninety families (530 persons) who originally populated the area of Balouza and South Romana were transferred during 1969-1970 to the areas of Salmana, Rabah, El Muraia and El Homeisa.

"Akarsa Tribe

Approximately 500 persons who originally populated Romana, Balouza and Abu Hamra areas, were transferred forcibly during 1969 to the Salmana and Vatia areas.

"Mala'aba Tribe

Approximately 120 persons were transferred from their original living area in South Romana to the following areas:

- Salmana in 1968
- El Kherba in 1969
- El Muraia and Vatia in 1972

"Masaid Tribe

A population of around 400 persons (140-150 families) was transferred after 1967 from the areas of Jelbana and east of Balouza to Bir El Abd and Rabah, then to the Homagrín and Hemjela areas."

This information was also contained in a letter to the Secretary-General (A/10128) dated 24 June 1975.

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100. On 29 July 1975, the Government of Israel addressed a letter to the Secretary-General (A/10163-S/11780) referring to the allegation by the Government of Egypt and stated that about 400 Bedouin families, numbering approximately 1,500 persons, had been transferred in February 1975 "for imperative military and security reasons and in order to obviate possible dangers to the security of the Bedouin population of the Jabel Raha area". According to this letter, the persons concerned were transferred to Bir Malka or Jabel Risan "according to their own choice" and representatives of the International Committee of the Red Cross who had been informed in advance of the transfer were present at the time of the transfer "and stated that they were favourably impressed by the transfer arrangements, the treatment accorded to the transferees and the services provided to them in their new places of residence". The letter adds that compensation was paid to the persons concerned and they were provided with a three-month supply of food for themselves and their livestock. "Appropriate job opportunities" were provided to the transferees and permission was given to return to harvest crops in recently sown fields in the areas which had been evacuated. The letter gives details of the public services available or to be provided to the transferees who had allegedly expressed their satisfaction with the arrangements made during and after the transfer.

101. On 31 July 1975, the Government of Egypt replied to the letter of the Government of Israel and reaffirmed its view that the transfer constituted a violation of the Fourth Geneva Convention since there was no justification of military necessity and security; on the contrary, these were "acts of repression and violence" (A/10164-S/11784).

102. On 8 August 1975, the Government of Israel addressed itself once more to the allegation of forcible transfer of civilians in Sinai (A/10174-S/11797). The letter states that because of the situation in the area, for which Egypt was responsible, "it was imperative to transfer certain parts of the Bedouin tribes affected by the circumstances to more secure areas in order to ensure their safety, as is indeed stipulated in article 49 of the Fourth Geneva Convention". The letter states that as a result of the efforts made to help the Bedouins concerned, their standard of living and public facilities "were advanced as a result of the transfer, particularly when compared to the conditions under Egyptian rule".

B. The abnormal situation of the civilian population living under military occupation

103. The following evidence received by the Special Committee relates to the situation of the civilian population who have been living under military occupation since 1967: the continuing occurrence of incidents manifesting resistance to the occupation, mass arrests, administrative detention and military court trials, which render the situation abnormal even when allowance is made for the extraordinary circumstances of military occupation. Reference to incidents in these paragraphs is made only to illustrate conditions of life in the occupied territories.

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104. The testimony of Dr. Hanna Nasir, Director of Bir Zeit College, and Mr. Alfred Toubassi, member of the Ramallah municipal council for several years, both expelled on 21 November 1974, and the testimony of Mr. Mustafa Milhem, Mayor of Halbul from 1966 to 1972 and Deputy Mayor from 1972 until his expulsion on 4 November 1974, give an idea of the kind of life that the civilian population has to lead under military occupation. In his testimony, Dr. Nasir stated: "The violations of human rights on the West Bank are so evident and so continuous. Maybe we are taking them for granted on the West Bank and we do not realize that they are obscure to people outside the West Bank." According to the testimony of these persons, prominent in the public life of their community, the military occupation authorities were following a policy designed to stunt the development of the life of the community. Dr. Nasir, who is the head of the highest educational institution in the occupied territories, testified to the interference with higher education and harassment by the military authorities. He stated that this interference and harassment impeded the process of intellectual development and the formation of independent and academically qualified persons from the occupied territories. He gave the following as an example:

(a) The imposition of taxes on Bir Zeit College, thereby depleting its financial resources;

(b) The prohibition of expansion of the College through the veto of the construction of a campus in Ramallah funded by local and foreign Palestinian or Arab sources;

(c) The imposition of impossible conditions on the admission of qualified staff to teaching posts in the College by refusing the return of adequately trained local personnel;

(d) The curtailing of expression within the College by such means as imposing an arbitrary ban on the College newspaper;

(e) The continuing harassment, particularly by closing down the College without sufficient justification as, for example, when the College was closed for three weeks in 1973. Mr. Milhem and Mr. Toubassi, both members of their own municipal council, described the impossibility of carrying out municipal projects because of the harassment and delays that accompany a request for approval of the local military commander. The very fact of their expulsion and that of their companion public figures in November 1974, they claim, constitutes an example of the policy of the military authorities to deprive the civilian population in the occupied territories of their leadership. None of the three persons who testified before the Special Committee had been charged with any breach of security regulations; on the contrary, Dr. Nasir had, on various occasions, intervened to maintain order between the local population and the occupation authorities.

105. The paragraphs that follow contain a sample of reports of incidents, often violent, that took place in the occupied territories during the period covered by this report. These incidents were often followed by large-scale arrests, administrative detention and trials in military courts.

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106. A number of reports appearing in the Israeli press during November 1974 reflected the policy decided upon by the Government of Israel. On 1 November 1974, Ma'ariv reported that the military occupation authorities had decided "to take strong measures against the Arab dignitaries" in the occupied territories who had signed a petition supporting the Palestine Liberation Organization: the report adds that the expulsion of these persons was being considered. Four public figures were expelled on 4 November 1974 and another five on 21 November 1974. Of these, three appeared before the Special Committee on 11 and 12 March 1975. On 28 November 1974, Ha'aretz reported several meetings attended by Prime Minister Rabin, Defence Minister Peres, Justice Minister Zadok, Police Minister Hillel and Minister without Portfolio Galili; the report states that the Ministers decided "to adopt a policy of toughness in the West Bank given the student demonstrations and trade strikes that took place there during the previous week".

107. During December 1974, the Israeli press carried reports of riots by high school students in Ramallah, attacks against Israeli private cars and army vehicles in the occupied territories, as well as the killing of an East Jerusalem merchant who was shot dead in the centre of Ramallah (for example: reports appearing in the Jerusalem Post on 1, 9, 12 and 22 December 1974, Ma'ariv on 6, 8 and 9 December 1974, and Ha'aretz on 26 December 1974).

108. According to a report in Ha'aretz on 26 December 1974, "there is hardly a day without some acts of sabotage or attempts to commit such acts".

109. According to reports available to the Special Committee, the pattern seems to have continued during January, February and March 1975 with explosions and placing of bombs in various parts of the occupied territories including Jerusalem.

110. In April and May 1975, violence and incidents of civil unrest appear to have reached considerable proportions again: a series of attacks against Israeli vehicles, explosions in various Israeli offices in the occupied territories, and the firing of a Katyusha rocket into Jerusalem.

111. The Jerusalem Post of 8 May, contains a report entitled "Terrorism Again Hits Judea and Samaria", which gives details of the incidents that had occurred and the investigation undertaken by the Israeli forces.

112. On 11 May, Ha'aretz and, on 18 May, Ma'ariv carried reports of the renewed increase in the number and violence of incidents in the occupied territories.

113. Further examples are provided in reports of incidents that are said to have occurred in Jerusalem on 30 May (Jerusalem Post); Gaza on 25 May (Ma'ariv); Gaza on 3 June (Jerusalem Post); in Jerusalem again on 5 June (Ma'ariv) and on 9 June (Radio Israel); at Kfar Saba and Beit Lid on 10 June (Ha'aretz and Ma'ariv); in Jerusalem on 6 July (Jerusalem Post); in Hebron on 13 July (Ma'ariv); in Nablus on 20 July (Ma'ariv); in Jerusalem on 1 August (Jerusalem Post); in Beit Jalla on 10 August (Ha'aretz); and in Nablus on 8 September (Ma'ariv).

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114. These incidents were all generally followed with reports of large-scale arrests. The paragraphs that follow give an example of the types of reports before the Special Committee.

115. On 7 April, Ha'aretz reported the arrest of "several dozen young men" from Ramallah, Hebron and East Jerusalem.

116. On 5 May, Ma'ariv reported a "series of arrests" of suspects from Nablus and Hebron.

117. On 12 May, Ma'ariv reported the arrest of "several dozen" in the Gaza Strip and added "in the last few months some 40 suspects have been arrested each month".

118. On 13 May, Ma'ariv reported that "more than 40 young men so far ..." had been arrested.

119. On 19 May, Ma'ariv reported that 69 persons were arrested from Jenin and the surrounding area.

120. On 30 May, Ma'ariv referred to the arrest of "dozens" from the West Bank.

121. On 27 June, Ma'ariv reported that 50 persons had been arrested from Hebron and another 32 from other areas.

122. On 30 June, the Jerusalem Post reported that 100 persons were arrested in the West Bank.

123. On 4 July, Ma'ariv reported that 300 young men from Hebron and Bethlehem were arrested in a "special operation designed to capture terrorists and deter youngsters from acting against Israel".

124. On 16 July, Ma'ariv reported large-scale arrests carried out recently following "intensification of terrorist activity in the region, including 80 persons from Jenin".

125. On 21 July, Ha'aretz reported the arrest of "dozens" from Nablus.

126. On 22 July, Ha'aretz reported the arrest of 13 persons in Nablus and 11 in Ramallah and Jenin.

127. On the same date, Ma'ariv reported the arrest of 14 persons in Tulkarm.

128. On 19 August, Ha'aretz reported the arrest of "numerous suspects" in Ramallah.

129. On 22 August, Radio Israel and Hamishmar reported the arrest of 18 persons from Jerusalem.

130. On 25 and 26 August, Ma'ariv and the Jerusalem Post respectively reported the arrest of 25 persons from the area near Hebron.

131. On 28 August, Ma'ariv reported that over 800 persons were arrested during 1974.

132. On 31 August, Ma'ariv reported the arrest of a "network" in Bethlehem and the Jerusalem Post, the arrest of "an undisclosed number" of persons.

133. On 8 September, Ma'ariv reported that "Thanks to numerous arrests in the West Bank many sabotage acts were prevented, in particular on the eve of and during the visit of Dr. Kissinger".

134. The occurrence of incidents was invariably followed by large-scale arrests and trials in military courts. These trials are the subject of reports appearing regularly in the Israeli press. The evidence before the Special Committee does not contain sufficient detail for a proper examination of the procedure during these trials.

135. Reports appearing in Ha'aretz and Ma'ariv between 16 July and 10 August, referred to a hunger strike by a number of administrative detainees, apparently in protest against their prolonged detention without trial.

136. On 23 July, Radio Israel reported that the administrative detention of 34 persons had been prolonged - their detention had so far lasted over a year.

C. Evidence relating to a policy of reprisal against civilians

137. The evidence before the Special Committee reflects the adoption of a number of measures which over the years reflect a practice, if not a policy, of reprisal by the military authorities against the civilian inhabitants of the occupied territories. In the subsequent paragraphs the Special Committee gives examples of the type of reports in which such measures are described. They include demolition of houses of persons suspected of hostile activity, expulsion - usually of leaders of a community, closing of shops and businesses in areas where incidents take place, prohibiting the export of produce as punishment for incidents that occur in a town, and mass arrests.

138. In his testimony before the Special Committee on 12 March 1975, Mr. Mustafa Milhem, Mayor of Halhul from 1966 to 1972 and Deputy Mayor from 1972 until his expulsion in November 1974, testified to the policy of reprisal followed by the occupation authorities in his town. He said that collective punishment in the form of destruction of houses recurred between 1967 and 1972. According to Mr. Milhem, collective punishment was resorted to in Halhul on 8 occasions in 1967, 10 in 1968, 18 in 1969, 10 in 1970, twice in 1971 and once in 1972. The Special Committee would point out that the destruction in Halhul was the subject of reports in the international press in 1969 and was referred to by the Special Committee in its first two reports. 9/ Dr. Hanna Nasir testified that he was an eyewitness to demolition of houses in Ramallah and in Bir Zeit.

9/ Official Records of the General Assembly, Twenty-fifth Session, agenda item 101, document A/8089, para. 73; A/8389, para. 57.

139. On 24 November 1974, Ha'aretz reported the demolition of a house in the village of Beit-Mirsim near Hebron.
140. On 6 December, Ha'aretz reported the demolition of a workshop and the sealing of a house in Nablus.
141. On 17 December, Ha'aretz reported the demolition of a house in Nablus where a family of 17 lived; according to the report, one of the members of the family had been arrested a short time earlier "for his contacts with hostile organizations".
142. On 21 January 1975, Ha'aretz reported the demolition of a house in a village near Jenin.
143. On 27 February, Ha'aretz reported the demolition of four houses.
144. On 2 March, Ha'aretz reported the demolition of three houses in a village near Ramallah.
145. On 18 March, Ha'aretz reported the demolition of two apartments in the Gaza Strip belonging to the parents of a 20-year-old man arrested earlier.
146. On 26 May, Ma'ariv reported the demolition of two houses in the Shati refugee camp.
147. On 30 May, Ma'ariv reported the demolition of five houses.
148. On 10 June, Al-Hamishmar reported the closing down in Nablus of a printing press, shops and the town centre after an explosion. In the same report, reference is made to Ramallah and El-Bireh where "several shops" had been closed for 14 days after Israeli cars had been set on fire in the area.
149. On 12 June, Ha'aretz reported that young men between the ages of 16 and 25 were not allowed to leave the occupied territories unless it was for a minimum of six months; subsequent reports show that after considerable protest this measure was repealed.
150. On 8 July, the Jerusalem Post reported the demolition of "several houses" and the sealing of two others in the village of Dura. On 16 July 1975, Ha'aretz reported the demolition of two other houses in Dura.
151. On 17 July, Ma'ariv reported the trial of a young Palestinian and stated: "The military court also said that it would have sentenced the defendant to life imprisonment but that, because the defendant had co-operated with the investigators, and because the security forces had blown up his father's house, it was not too severe with him and sentenced him to 25 years' imprisonment only."
152. On 21 July, Ma'ariv reported the sealing of a house in Nablus.

153. On 27 July, Ma'ariv reported that the main entrance to the old quarter in Nablus had been blocked "as a reaction" to a bombing incident. The same report states that "a number of shops of persons who refused to give evidence on the incident" were also shut down.

154. On 10 August, Ha'aretz reported that some shops were allowed to reopen but that others in the market in the old town were left closed down.

155. On 29 August, Ha'aretz reported that 19 shops were closed down in Ramallah after a bomb was planted in the main square. The same report refers to similar measures having been taken a few months ago in Ramallah and El-Bireh.

156. On 11 September, Al-Hamishmar reported that 20 shops that had been closed down because shopkeepers refused to give information regarding an incident that had taken place in the vicinity were reopened after one month.

157. On 9 December 1974, Ha'aretz reported that the military government of the West Bank had lifted the embargo on the export of olives and olive oil from Nablus. The embargo was imposed by way of reaction to strikes and demonstrations in the town. A similar embargo imposed on Ramallah was still in force. In his testimony before the Special Committee, Mr. Mustafa Milhem stated that in 1969, when he was Mayor of Halhul, a town near Hebron, the occupation authorities had imposed an embargo on produce from the surrounding area during the peak season as punishment for anti-occupation demonstrations.

158. Reports appearing in November 1974 and April 1975 show that a number of persons were expelled from the occupied territories. All these persons had held responsible office or were leaders in their communities.

159. The Special Committee also considered the large-scale arrests referred to in the preceding section, the numbers involved, the age of the persons arrested, and the timing of their arrest in their aspect as a measure of reprisal.

D. Other allegations

1. The Ibrahimi Mosque in Hebron

160. A number of reports reaching the Special Committee during the period covered by this report concern measures adopted by the military authorities with regard to the use of the Ibrahimi Mosque in Hebron. A series of disturbances by Israeli settlers from the settlement at Kiryat Arba and protests by the local civilian leaders were reported during the early part of 1975. On 28 July 1975, the subject of "the recent incidents at the Mosque and plans to reconstruct the Jewish quarter in Hebron" was raised in the Knesset. This was reported in the Jerusalem Post and in Ma'ariv on 29 July 1975. On 5 August 1975, Ma'ariv announced that new arrangements had been put into force to regulate the use of the Mosque by Jews and Moslems. These arrangements were themselves the subject of vehement protest by the Supreme Moslem Council and other Moslem bodies.

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Protests against the arrangements were also made, alleging that Jews too were being subjected to discrimination. Incidents occurred throughout the month of August and are the subject of reports in the Israeli press. On 9 September 1975, Ma'ariv reported a protest by 30 members of the Israeli settlement against restrictions on Jewish use of the Mosque during Ramadan.

161. The Special Committee took note of the protests made by the Government of Jordan on 7 August 1975 (A/10178-S/11799) and the reply thereto by the Government of Israel on 20 August 1975 (A/10204-S/11809), as well as several protests against the new arrangements forwarded to the Special Committee by the Secretary-General, who had received them from individuals and organizations.

162. The Special Committee examined the relevant provisions of the Fourth Geneva Convention and took note in particular of the passages in the commentary on that convention concerning article 27, which lays down the right of protected persons to respect for, inter alia, their religious convictions and practices. The commentary states: "Religious freedom is closely connected with the freedom to practice religion through religious observations, services and rites. Protected persons ... in occupied territories must be able to practise their religions freely, without any restrictions other than those necessary for the maintenance of public law and morals".

2. Ill-treatment of detainees

163. A number of reports reaching the Special Committee during the period covered by this report concern the ill-treatment of persons under detention. In addition, three of the persons who appeared before the Special Committee in March 1975 stated that they themselves had been the victims of torture. They described to the Special Committee the various forms of ill-treatment and torture to which they had been subjected. They are Mrs. Lutfiya El-Hawari, who was imprisoned for over six years, released in February 1975 and immediately expelled; her husband, Mr. Ahmad Jamal, imprisoned for over seven years and released and expelled on the same day as his wife; and Mr. Suleiman Al-Najab, who was detained on 30 April 1974 and kept in detention until he was expelled on 28 February 1975 without trial. In each of the three cases, the person concerned testified that the ill-treatment had taken place for the most part during the period immediately following their being taken into custody. Mrs. El-Hawari stated that she had suffered most of the ill-treatment at the very beginning of her detention but that she was in poor health during most of her incarceration. Mr. Jamal said that he was last ill-treated - beaten up - approximately one year and eight months prior to his release; Mr. Al-Najab stated that he was severely ill-treated between his arrest on 30 April 1974 and 25 June 1974. The witnesses' testimony has been reproduced as documents of the Special Committee (A/AC.145/RT.67-69).

164. Mrs. El-Hawari's case deserves special attention. There are certain points in her testimony which strengthen her credibility; she stated, for example, that on 7 August 1969 she was falsely arrested, since, she maintains, the objects or ammunition that she was accused of possessing in her house had actually been planted in her bedside table by the very same soldier or officer who claimed

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to have discovered them. The Special Committee notes that Mrs. El-Hawari had been detained on five previous occasions already, namely, in August 1967 (when she was detained for six hours); in November 1967 (when she was held for four days for questioning); in June 1968 (when she was held for 10 days); and in July or August 1968 (when she was placed under administrative detention for eight months). A person of Mrs. El-Hawari's intelligence (mathematics teacher), who was clearly being kept under close and constant surveillance, would hardly have incriminated herself so recklessly by keeping ammunition in her bedside table. Moreover, she had already given hostage to the authorities, as her fiancé had been imprisoned since December 1967 and attempts had already been made to extract information from him by threatening her. When subjected to medical examination in March 1975, her body did not show any marks of injury or any other evidence that could be exclusively attributed to ill-treatment while under detention. The conclusion of the surgeon, Dr. G. Kobel, who examined Mrs. El-Hawari at the Special Committee's instance, was as follows: "Apart from a few scars on both knees, Mrs. El-Hawari has no cutaneous scar or post-traumatic induration of ligaments other than in the knees. She is suffering at present mainly from Scheuermann's Disease accompanied by L5-S1 spondylolisthesis. These two complaints are of morbid, if not congenital, origin ... In the case with which we are concerned, there is a bilateral lysis of the posterior arch which makes an hereditary or congenital origin appear likely ...". Dr. Kobel's report is not reproduced here in full.

165. Recurrent reports appearing in WAFA - Palestinian News Agency - alleged ill-treatment of prisoners, in some instances leading to their deaths. On 17 March 1975, WAFA reported that three prisoners whose names are given had died as a result of the torture that they had received. On 29 March 1975, three other persons were reported in serious condition in Remle Prison. The names of these persons are given as Daoud Turky, Mustafa Ma'alda and Mahmoud Abu Al-Zaghir. These reports are available in the records of the Special Committee.

166. The Special Committee took note of recent Red Cross reports which reflect a sharp increase in the number of persons from the occupied territories who have been imprisoned. The ICRC publication The ICRC in Action of 3 September 1975, No. 224b, states that about 3,100 detainees were visited by its delegates during the thirty-second series of visits to 13 places of detention, held between 8 July 1975 and 28 August 1975. Statements by witnesses appearing before the Special Committee attest to the poor conditions existing in the prisons where they had been incarcerated. The most common cause for complaint appears to be serious overcrowding.

V. QUNEITRA

167. In the last report, the Special Committee communicated its observations and conclusions on the allegation made by the Government of the Syrian Arab Republic that the town of Quneitra was deliberately destroyed by the Israeli forces before their withdrawal under the Agreement on Disengagement between Israeli and Syrian Forces (A/9568-S/11396). ^{10/} The Government of Israel had replied that the destruction of Quneitra was "the direct result of acts of aggression carried out by Syria in various periods since 1967 ..." (A/9570-S/11408). ^{10/}

168. The Special Committee took note of a report appearing in the London Free Press of Ontario, Canada, on 26 November 1974 entitled "Puzzling Denial of Destruction" by Mr. William C. Heine. The article states:

"Despite official Israeli denials, Kuneitra was deliberately and methodically destroyed by Israeli forces before they withdrew behind new United Nations ceasefire lines last summer ...

"If the Israelis had said they could not tolerate an occupied city in that location and had destroyed it for military reasons, the rest of the world might have deplored it, but it would have been recognized that cities have been destroyed in war in the past. Militarily, I think the destruction of Kuneitra was understandable, and it might even be justifiable.

"Israelis, however, piously say they did not demolish it, that it was destroyed by shellfire."

169. In resolution 3240 C (XXIX), the General Assembly requested the Special Committee to undertake, with the assistance of experts, a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction. In its investigation the Special Committee, as requested by the General Assembly, after examining the qualifications of a number of candidates, selected an expert and requested him to undertake a preliminary survey and to advise the Special Committee on the best manner in which it could obtain a report on the following points:

- (a) To what extent the destruction was or could have been caused by:
 - (i) Aerial bombardment, artillery or mortar shells;
 - (ii) The use of heavy equipment, such as bulldozers;
 - (iii) The use of explosives;
 - (iv) The use of any other means;
- (b) During what period this destruction was caused;

^{10/} For the printed text, see Official Records of the Security Council, Twenty-ninth Year, Supplement for July, August and September 1974.

(c) The proportion of that type of damage, borne to the total, bearing in mind subparagraph (a) above;

(d) The value of each type of damage according to the estimations of the expert.

170. The Special Committee requested the expert to report to it on his findings and to submit a preliminary report during its meetings in New York from 29 September to 9 October 1975. The expert submitted his report to the Special Committee at meetings held on 30 September and 1 October 1975. At these meetings the expert gave oral evidence before the Special Committee in further elaboration of his report.

171. The survey requested in resolution 3240 (XXIX) could not be completed in time to enable the Special Committee to make a full report on Quneitra to the General Assembly at its thirtieth session.

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VI. CONCLUSIONS

172. In this report the Special Committee has analysed the evidence that came before it since the adoption of its sixth report (A/9817). The Special Committee has continued its investigation as reflected in its earlier reports, which were considered by the General Assembly at its twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth sessions.

173. The Special Committee has again restricted itself to the examination of those areas of civilian life in the occupied territories where marked changes were detected. As the Chairman of the Special Committee stated before the Special Political Committee at the twenty-eighth session (A/SPC/PV.890), the Special Committee saw no further purpose in furnishing the General Assembly with more evidence until and unless major changes took place in the policies and practices followed by Israel in the occupied territories.

174. The evidence before the Special Committee indicates that the policies and practices pursued by the occupying Power in the occupied territories, in so far as they affect the human rights of the population of those territories, have not changed to any marked extent except with regard to certain aspects, considered by the Special Committee in section IV above. The general situation continues to give cause for concern because the civilian population has now been living under military occupation since June 1967. This has created a state of restlessness which has manifested itself this year in the marked increase of incidents, often violent; reprisals by the military occupying authorities; and the noticeable increase in the number of persons in custody. As indicated in section IV, the economic dependence of the occupied territories, in particular the continued abuse of the labour force from the occupied territories, persists. There is no evidence that prison conditions have improved; on the contrary, the recent increase in the number of detainees has not served to ameliorate prison conditions. The state of occupation and the consequent interference with daily life for such a long period are obviously affecting the youth of the occupied territories, who have become the object of military intervention as their sense of frustration and resentment at occupation grows with its prolongation.

175. The policy of annexation pursued by the occupying Power in Jerusalem continues unabated with the further eviction of local Arab inhabitants and their replacement by new Jewish immigrants and the construction of housing projects to accommodate these immigrants on the eastern fringes of the city.

176. In section IV A above the Special Committee gave a sample of the evidence before it on the existence of a policy of annexation and settlement of the occupied territories and the implementation of such a policy. The recurring references by members of the Israeli Government to the existence of plans for the establishment of Israeli settlements in the occupied territories, together with uncontradicted reports of the establishment of such settlements, prove the existence of this policy, which is contrary to articles 47 and 49 of the Fourth Geneva Convention. The Special Committee notes with particular concern the measures that have been taken in the Gaza Strip and in the Rafah area where numerous persons have been forcibly evicted from their land to allow the construction of Israeli settlements.

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The same applies to the continued establishment of settlements in the Golan Heights and the statements of policy by Israeli Ministers concerning the permanent character of these settlers in occupied Syrian territory. As illustrated in section IV above, measures taken in the West Bank for the expropriation of property and the subsequent establishment of Israeli settlements on such property have continued during 1975. Such a situation is contrary to one of the fundamental premises of the Fourth Geneva Convention: that the state of occupation should be a temporary one during which the civilian population must, as far as possible, be left unaffected except where urgent military and security considerations otherwise dictate.

177. In particular, the Special Committee notes that forcible eviction and transfer of the civilian population has occurred during 1975 in the southern part of the Gaza Strip near Rafah. With regard to the allegation made by the Government of Egypt of forcible transfer of population in the Sinai, the Special Committee is not in a position to reach a conclusive finding in the absence of precise information on the dates when the transfers are alleged to have occurred and the location from which the alleged transfers took place.

178. The evidence before the Special Committee this year shows that the civilian population's predicament has become worse, even after due allowance is made for the abnormal conditions inseparable from a state of military occupation. In section IV B above, the Special Committee has given a sample of the evidence before it which, when examined as a whole, gives an idea of the abnormal situation of the civilian population.

179. During the period covered by this report, the Special Committee received information which indicates the existence of a policy of reprisal carried out by the adoption of such measures as demolition of houses, expulsion of persons prominent in the community, and interference in the commercial life of the civilian population. In section IV C above, the Special Committee has given a sample of the evidence before it which has led it to conclude that such a policy, which is contrary to articles 33, 49 and 53 of the Fourth Geneva Convention, does exist.

180. The following excerpt from the Annual Report of the International Committee of the Red Cross for 1974 is relevant in this context:

"... the main problems encountered by the ICRC for which no satisfactory solutions have yet been found are those connected with expulsions and the destruction of dwellings ordered by the Israeli authorities under the heading of repressive measures, in violation of articles 49, 33 and 53 of the Fourth Convention.

"While no person has been expelled, to the knowledge of the ICRC, from the occupied territories of Gaza and Sinai, it is known on the other hand that 12 West Bank Palestinians were compelled to leave their homes and seek refuge in an Arab country.

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"On 12 March, two inhabitants of the village of Halhoul in the district of Hebron were removed across the border to Jordan.

"A similar measure was taken on 21 November against four schoolteachers in Ramallah and one in Jericho.

"These persons were visited by an ICRC delegate in Jordan.

"In addition, on 4 November, five persons were expelled and sent to Lebanon.

"In each of these cases the ICRC delegation in Israel and the occupied territories approached the Israeli authorities, requesting that the persons expelled might be allowed to return to their families in the occupied territories.

"The situation of the victims whose homes were destroyed by the Israeli army in the occupied territories was often aggravated by the arrest of one or more members of the family concerned, and such cases continued to be a source of concern for the ICRC, which holds that such destructions are contrary to the provisions of articles 33 and 53 of the Fourth Convention.

"In 1974, the ICRC delegates in Gaza were notified of 50 such cases, involving nearly 300 persons. In West Bank territory, 30 houses were destroyed and six bricked up, affecting more than 150 persons.

"On several occasions, the delegation communicated its viewpoint to the Israeli authorities as to the principle of carrying out the destruction of houses and the deep concern it felt about such acts, and requested that steps should be taken to find homes for the victims." 11/

181. In particular, the Special Committee is of the view that the large-scale arrests referred to in section IV B above, the number of persons involved, their age and the timing of these arrests, reflect a tendency towards communal or collective punishment as an alternative to proper investigation for the purpose of tracing the responsible parties.

182. With regard to the question of the measures adopted by the military authorities in the Ibrahimi Mosque in Hebron, referred to in section IV D above, the Special Committee is of the view that these measures, as well as those instituted in 1968, are contrary to the Fourth Geneva Convention inasmuch as they contravene the provisions of article 27, which gives protected persons the right "to respect for ... their religious convictions and practices, and their manners and customs".

183. With regard to the evidence before the Special Committee of ill-treatment and torture of persons under detention, referred to in paragraphs 163 to 166 above,

11/ Annual Report, 1974 (Geneva International Committee of the Red Cross, 1975), pp. 27 and 28.

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the Special Committee would refer to its findings in its earlier reports on allegations of torture to the effect that, despite the compelling nature of the evidence it had received, it was unable to reach a conclusive finding, since this would only be possible after a free investigation by the Special Committee inside the occupied territories. Nevertheless, in these reports the Special Committee has stated its conviction that on the basis of the evidence before it to date, interrogation procedures very frequently involved physical violence.

184. The Special Committee feels that the evidence of Mrs. El-Hawari in particular contains elements that have been corroborated by other persons who have appeared before the Special Committee in 1970, namely Mrs. Abla Taha (A/AC.145/RT.22) and Mr. Ismael Abu Mayaleh.

185. On the basis of the evidence of Mrs. El-Hawari as corroborated by earlier witnesses, and by her husband, and for the reasons given by the Special Committee in paragraph 164 above, the Special Committee feels that a strong prima facie case of ill-treatment has been established. With regard to Mr. Jamal and Mr. Al-Najab, the Special Committee can only state that their testimony deserves examination to establish the facts and to provide the necessary remedies. Nevertheless, the Special Committee must voice its deep concern that such serious allegations continue to be made.

186. With regard to the question of the arrest, trial and imprisonment of Archbishop Hilarion Capucci, the Special Committee examined the provisions of the Fourth Geneva Convention concerning the establishment of courts in occupied territories (articles 64 and 66) as well as the legislative measures adopted unilaterally by the Government of Israel by virtue of which the District Court of Jerusalem was established in the occupied part of Jerusalem. The Special Committee has already had occasion to state that the measures taken by the Government of Israel to annex the occupied part of Jerusalem are contrary to international law and in particular to article 47 of the Fourth Geneva Convention. Therefore, the occupying Power would appear to have been in contempt of the Fourth Geneva Convention when it established the District Court of Jerusalem. For this reason the Special Committee is of the view that Archbishop Capucci was tried in a court that was not properly constituted under international law.

187. With regard to the implementation of resolution 3240 C (XXIX) on Quneitra, the Special Committee would refer to paragraph 171 of this report. Considering the importance of the matter, the Special Committee deems it necessary that the survey of the destruction in Quneitra should be resumed and completed as soon as possible. The Special Committee would therefore recommend that the General Assembly approve this proposal and provide the necessary funds for the purpose.

188. It follows from the evidence before the Special Committee that the occupying Power continues to behave in the occupied territories and to act towards the population of these territories in flagrant violation of the basic rights of the above-mentioned population and in defiance of relevant international conventions.

189. The Special Committee would therefore reiterate its conviction that the termination of the occupation would alone provide the surest guarantee of the restoration of the basic human rights of the population of the occupied territories.

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190. The Special Committee would draw attention once again to the proposal that it has repeatedly made for the adoption of an arrangement inspired by the Protecting Power formula envisaged under the Geneva Conventions which protects civilian persons living in occupied territories. 12/ This machinery or one similar to it should be established to provide future protection for the population of the occupied territories.

12/ The Special Committee, in each of its reports, has recommended:

"(a) That the States whose territory is occupied by Israel appoint immediately either a neutral State or States, or an international organization which offers all guarantees of impartiality and effectiveness, to safeguard the human rights of the population of the occupied territories;

"(b) That suitable arrangements be made for the proper representation of the interests of the large population in the occupied territories which has not yet been given the opportunity of exercising the right of self-determination; and

"(c) That a neutral State or international organization, as described in (a) above, be nominated by Israel and be associated in this arrangement."

Under this arrangement, the State or States or international organization so nominated might be authorized to undertake the following activities:

"(a) To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions and in particular to investigate and determine the facts in the case of allegations of the violation of the human rights provisions of these Conventions or of other applicable international instruments;

"(b) To ensure that the population of the occupied territories is treated in accordance with the applicable law;

"(c) To report to the States concerned and to the General Assembly of the United Nations on its work."

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VII. ADOPTION OF THE REPORT

191. The present report was approved and signed by the Special Committee on 13 October 1975 in accordance with rule 20 of its rules of procedure.

(Signed) H. S. AMERASINGHE (Sri Lanka)
Chairman

M. FALL (Senegal)

B. BOHTE (Yugoslavia)
