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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 11 of resolution 3525 A (XXX) of 15 December 1975.

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LETTER OF TRANSMITTAL

17 September 1976

Sir,

In accordance with General Assembly resolutions 3525 A and C (XXX), 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), 3240 A and C (XXIX) and 3525 A and C (XXX).

The report is the eighth submitted by the Special Committee on a situation that has continued to deteriorate since June 1967, when it arose. In spite of numerous efforts by the international community on the political level to resolve the Middle East problem and to secure a just and lasting peace in the area, and perhaps because of the concentration of these efforts on the political aspects of the problem, the situation of the Palestinian and other civilians in the territories occupied as a result of the June 1967 hostilities has not received the attention it merits. This attitude appears to be due to a sense of complacency originating in the assumption that the situation of these people is not as bad as one would expect. This attitude can only stem from a fundamental ignorance of the facts and realities of every day life as experienced by the people concerned both inside the occupied territories and those hundreds of thousands who belong to these territories but who are not allowed to return. In this report the Special Committee gives an illustration of the realities existing in the territories by a cross section of uncontradicted reports of events that have taken place since the adoption of the last report of the Special Committee on 13 October 1975. In section VI entitled "Conclusions" the Special Committee puts the situation existing in the occupied territories in its historical perspective in an attempt to illustrate its evolution over the years since the occupation. The events during the period under review give cause for serious concern. Violence and demonstrations against the occupation have become a regular feature between November 1975 and July 1976. The 14 prisons in which Palestinians and other persons from the occupied territories are held are over-crowded and at least three prison riots were reported during the past nine months.

This report, for the first time, gives its attention to the situation of detainees. The Special Committee has been receiving numerous allegations of ill treatment of detainees since it started its work in 1970. The seriousness of these allegations and the problems caused hitherto by lack of corroborative evidence warranted particular attention and prudence on the part of the Special

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

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Committee in the preparation of this report. In an effort to learn more about the facts of the situation the Special Committee took the exceptional step of inviting Mrs. Felicia Langer, an Israeli lawyer, whose name had been mentioned regularly as defence counsel for Palestinians and other persons accused before the military courts, to appear before the Special Committee. During five meetings in July 1976 the Special Committee heard Mrs. Langer's account of her experiences and questioned her with regard to the procedures established by law for the treatment of detainees as well as the practices followed. It put before Mrs. Langer a number of cases chosen from the records of the Special Committee and stretching over a period of the occupation in order to obtain a clear impression of the practices followed over the years. The evidence of Mrs. Langer forms the subject of section IV.3 of this report and the Special Committee's conclusions on the evidence are contained in section VI.3.

In resolution 3525 C (XXX) the Assembly requested the Special Committee to carry out a survey of the nature, extent and value of the damage in Quneitra. In section V of this report the Special Committee gives its conclusions on this survey which is contained in annex III. The Special Committee is satisfied as to the thoroughness and precision of the survey undertaken by the expert engaged by it for the purpose, Mr. Edward Gruner, as well as by his professional integrity and detachment. The team headed by Mr. Gruner lived in the town of Quneitra for four months; during this period they surveyed each and every structure that once was part of this town. Their observations are obviously unimpeachable.

In its concluding remarks the Special Committee has voiced its regret that the international community has allowed itself to sink into a torpor of indifference on the lot of the civilian population of the occupied territories. The Special Committee would hope that you would exercise your influence and lead a renewed initiative on the part of the international community aimed at safeguarding the civilian population of the occupied territories similar to the initiative reflected in the early days of the occupation when the Security Council, on 14 June 1967, adopted resolution 237 (1967).

My colleagues and I take this opportunity of placing on record our high appreciation of the unfailing co-operation of the assistance rendered to it by the Secretariat of the United Nations and especially by those of its members who have been more closely associated with the Special Committee these last several years. Theirs was a sensitive assignment but they discharged it in a manner that merits the unqualified approbation of the Special Committee.

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

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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. The Government of Somalia appointed Mr. A. A. Farah and subsequently Mr. H. Nur-Elmi, Permanent Representative to the United Nations, 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.
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., 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. On 13 October 1975, the Special Committee submitted its seventh report (A/10272) 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). The report was discussed in the Special Political Committee at its 985th to 991st meetings, from 26 November to 5 December 1975. In addition, the Special Political Committee considered the report of the Secretary-General (A/10370) submitted pursuant to General Assembly resolution 3240 A and C (XXIX). On 15 December 1975, the Assembly examined the report of the Special Political Committee 7/ and adopted resolutions 3525 A, B, C and D (XXX).

9. 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), 3240 A and C (XXIX) and 3525 A and C (XXX).

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.

7/ Ibid., Thirtieth Session, Annexes, agenda item 52, document A/10461. /...

II. ORGANIZATION OF WORK

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

11. The Special Committee held meetings from 16 to 20 February 1976 at Geneva. At these meetings, it reviewed its mandate consequent on the adoption by the General Assembly of resolutions 3525 A and C (XXX). 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 13 October 1975, the date of the adoption of its seventh report (A/10272). The Special Committee held consultations with the expert engaged for the purpose of carrying out the survey requested by the General Assembly in resolution 3525 C (XXX).

12. The Special Committee held a second series of meetings at Geneva from 4 to 15 June 1976. At these meetings, the Special Committee reviewed information that had become available since its February meetings and examined a number of communications sent by Governments and by private sources that it had received directly or that had been referred to it by the Secretary-General. The Special Committee heard the testimony of one person who had been expelled from the occupied territories on 27 March 1976, and four others who had just left the occupied territories. The Special Committee also heard a report on the progress of the survey of the destruction in Quneitra requested under Assembly resolution 3525 C (XXX).

13. The Special Committee held a third series of meetings from 28 to 30 July 1976 at Geneva. At these meetings, the Special Committee examined information on the occupied territories that had become available since its June meetings and heard the testimony of Mrs. Felicia Langer who was invited by the Special Committee to appear before it. The Special Committee discussed its draft report at these meetings.

14. The Special Committee met again at United Nations Headquarters on 14 and 15 September 1976. At these meetings, the Special Committee considered and adopted its report to the Secretary-General, as requested by the General Assembly in resolution 3525 A and C (XXX).

III. MANDATE

15. The General Assembly, in resolution 2443 (XXIII) entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

16. The mandate of the Special Committee, as set out in the above resolution, was to "investigate Israeli practices affecting the human rights of the population of the occupied territories".

17. In interpreting its mandate, the Special Committee determined, in its first report, that:

(a) The territories to be considered as occupied territories referred to the areas under Israeli occupation, namely, the Golan Heights, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on disengagement of forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation were altered as indicated in the maps attached to those agreements;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities. However, the Special Committee noted that resolution 2443 (XXIII) referred to the "population", without any qualification as to any segment of the inhabitants in the occupied territories;

(c) The "human rights" of the population of the occupied territories, consisted of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967; and secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee was also required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories; the pillaging of the archaeological and cultural heritage of the occupied territories; and the interference in the freedom of worship in the holy places of the occupied territories;

(d) The "policies" and "practices" affecting human rights came within the scope of investigation by the Special Committee referred, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" referred to those actions which, irrespective of whether or not they

were in implementation of a policy, reflected a pattern of behaviour on the part of the Israeli authorities towards the Arab population of the occupied areas.

18. Since its inception the Special Committee has relied on the following international instruments and resolutions in interpreting and carrying out its mandate:

- (a) The Charter of the United Nations;
- (b) The Universal Declaration of Human Rights;
- (c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
- (d) Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968;
- (e) General Assembly resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and 2452 A (XXIII) of 19 December 1968;
- (f) Economic and Social Council resolution 1336 (XLIV) of 31 May 1968;
- (g) Commission on Human Rights resolutions 6 (XXIV) of 27 February 1968; and 6 (XXV) of 4 March 1969, and the telegram dispatched to the Government of Israel on 8 March 1968;
- (h) The relevant resolutions of the United Nations Educational, Scientific and Cultural Organizations and the World Health Organization.

19. In compliance with General Assembly resolution 3005 (XXVII) the Special Committee also referred to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and to the relevant sections of The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land.

IV. ANALYSIS OF EVIDENCE

20. In the reports that the Special Committee has presented since its inception, it has attempted, as far as possible, to maintain a continuing examination of the situation of the civilians of the occupied territories in order to determine if and to what extent their human rights were being violated. The Special Committee has received several allegations over the years from various sources, such as Governments, individuals and organized bodies. Some of these allegations were made orally before the Special Committee and others in writing. The absence of co-operation by the Government of Israel and the consequent inability of the Special Committee to verify these allegations at first hand made it necessary for the Special Committee to employ the next best available means to inform itself of the situation of civilians paying due regard to the nature and reliability of the source. It has done this by:

(a) Hearing oral testimony of persons - inhabitants of the occupied territories, persons who had fled these territories, persons who had been expelled from these territories, visitors recently returned from these territories and Israeli citizens - who could give first-hand account of the situation of civilians in the occupied territories;

(b) Examining from day to day reports in the Israeli press of occurrences in the occupied territories and of Government of Israel pronouncements concerning the civilian population of the occupied territories and the policies and practices followed in the administration of these territories, including reports of measures taken in the execution of such policies and practices;

(c) Keeping track of reports appearing in other news media, including the Arab-language press and other sections of the international press.

In its first report (A/8089), the Special Committee relied primarily on the oral testimony of the 146 persons who appeared before it in New York, London, Geneva, Beirut, Damascus, Amman and Cairo, and to a certain extent on written communications received during that period. In subsequent years, as reflected in the reports prepared by the Special Committee, it became evident that the best manner of determining the Israeli policies and practices affecting the human rights of the population of the occupied territories was to monitor policy statements by members of the Government of Israel and other Israeli leaders and reports of the implementation of plans and measures affecting the civilian population in the occupied territories. In all its reports, the Special Committee has assessed information gathered from these sources. Thus, over 220 persons have appeared and given evidence before the Special Committee.

21. For the purposes of the present report the Special Committee continued to follow the same approach as in previous years. During the period covered by this report, the Special Committee had before it allegations made to it by Governments and heard the testimony of six persons.

22. The Special Committee took note of the following material relevant to its mandate:

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(a) Information in the 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;

(d) A special report on Quneitra prepared in accordance with General Assembly resolution 3525 C (XXX).

23. The information available to the Special Committee over the years indicates that, during the period covered by this report, namely, since 13 October 1975:

(a) The policy of annexation and settlement continues to be implemented, new plans have been announced and other settlements have been established in the occupied territories;

(b) The prolonged occupation and the effect of the policies and practices mentioned above have persisted. Violent demonstrations that lasted for several months have taken place, in addition to acts of sabotage which appeared to have been daily occurrences. These incidents have in turn lead to arrests of groups of persons, presenting a pattern of mass arrests; other repressive measures have continued, as e.g., curfews, demolition of houses, expulsion and administrative detention;

(c) Civilian inhabitants detained are treated in a manner incompatible with the Fourth Geneva Convention and international humanitarian law in general governing treatment of civilians under detention.

24. The situation described in paragraph 23 (a) to (c) is illustrated by the reports reproduced in paragraphs 25 to 315 below. These reports, though by no means exhaustive, extend over the entire period covered by this report and constitute a representative cross-section of the information received by the Special Committee.

A. Evidence of the policy of annexation and settlement,
as practised in the occupied territories

1. Policy of annexation and settlement

25. The evidence of the policy of annexation and settlement is given in the following paragraphs.

26. On 25 January 1976, Ha'aretz reported the statement by the Defence Minister,

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Mr. Peres that "the Jewish people has a basic right to settle anywhere provided that this be carried out without the dispossession of Arabs and without hurting their feelings ...".

27. The Jerusalem Post and Ha'aretz reported, on 11 March 1976, the statement by the Defence Minister that "Israelis have the right to settle everywhere in the West Bank so long as they do not deprive the Arabs and take their sensitivities into account".

28. The statement by the Minister of Tourism, Mr. Kol, reported on 24 March 1976 in The Jerusalem Post, that he was in favour of Jewish settlements all over the country but only according to Government Plans and approval. Mr. Kol is reported as stating in addition that peace negotiations "... were likely to bring changes to Israel's settlement map".

29. On 22 April 1976, The Jerusalem Post reported the statement by the Prime Minister, Mr. Rabin, that "no settlement has been set up in order to be taken down again". In the course of the speech, the Prime Minister is reported as having promised that his Government would make a special effort during the coming years to strengthen and extend Israeli settlement along the Jordan river; and an announcement was made, simultaneously, by the Housing Ministry that five settlements would be established in the Jordan Valley.

30. The report appearing on 27 April 1976 in Ha'aretz stated that a plan had been approved by the Ministerial Committee for Settlements of the Occupied Territories whose Chairman is Minister-without-Portfolio, Israel Galili, for the establishment of settlements and drawn up by an inter-kibbutz Commission; the plan envisages 29 settlements to be set up during the next two years and to be implemented after the Government had debated settlement policy. According to this plan, 13 settlements would be established by the end of 1976 and 16 by the end of 1977, and would be distributed as follows:

- 9 settlements in the Golan Heights;
- 3 settlements in the Jordan Valley;
- 2 settlements in the Kfar Etzion area (south east of Jerusalem and west of Bethlehem);
- 2 settlements on the road to Jerusalem;
- 4 settlements in the Gaza Strip (Rafah area).

The remaining settlements were to be established behind the pre-1967 cease-fire lines. On 7 June 1976, a Ha'aretz report gave details on the proposal for the 29 new settlements, including their location.

31. The announcement that Mr. Galili was drawing up a detailed plan of settlements to be established in the West Bank, with the full co-ordination

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of the Prime Minister who was to meet with the Foreign Minister, Mr. Allon, and the Defence Minister, Mr. Peres, to obtain their prior consent to the proposed plan was reported in Ha'aretz on 4 May 1976.

32. The Jerusalem Post reported on 13 June 1976 the statement by the Foreign Minister, Mr. Allon, that the settlements were not established in order to be abandoned and there were still many to be put up but no settlers were available for them. The Foreign Minister was quoted as saying: "I suggest we stop talking about places we are not moved from in instead establish settlements in vital areas to make it impossible to move us from them". The statement was reportedly made during a speech in which the Foreign Minister criticized a settlement movement claiming the right to settle in the area around Nablus (Northern West Bank).

33. On 9 June 1976, The Jerusalem Post reported that the Ministerial Committee for Settlements of the Occupied Territories had given final approval to the establishment of four new settlements, two of which are in the territories occupied in 1967, one in Kfar Etzion area and another near Iatrun west of Jerusalem and near the 1949 cease-fire line.

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

(a) The occupied territories as a whole

34. On 14 December 1975, Ma'ariv reported the statement by the Housing Minister, Mr. A. Ofer that 3,859 flats had been constructed in the occupied territories since 1967.

35. On 7 May 1976, Ha'aretz quoted Mr. Admoni, Director General of the Zionist Federation's Settlement Department, as stating that 64 settlements had been established since 1967 in the occupied territories.

(b) The West Bank, including the part of Jerusalem occupied as a result of the June 1967 hostilities

36. The announcement of measures taken by the Housing Ministry "to eliminate absentee landlordism" from the Jewish quarter of Jerusalem by virtue of a Cabinet decision of 6 June 1975 appeared in The Jerusalem Post of 1 October 1975.

37. Reference was made in Ha'aretz on 2 October 1975 to a plan to "thicken" Israeli settlement of Jerusalem by the construction of three big settlements and 10 new suburbs in the occupied territories outside Jerusalem.

38. The announcement appeared in Ha'aretz of 13 October 1975 of a project by the Housing Ministry submitted to the Cabinet for examination, meant to co-ordinate all proposals for the creation of three big settlements consisting of about 20,000 inhabitants each. The report of land purchases in the Nebi-Samwil/Khan-El-Ahmar (site of the Israeli settlement known as "Maaleh-Adumin") appearing in Ha'aretz on 14 October 1975. These purchases were reportedly undertaken by the Land of Israel Authority.

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39. The announcement of the construction of prefabricated housing to expand a settlement in the West Bank known as "Ofra" was reported in Ha'aretz on 14 November 1975.

40. On 20 November 1975, Ha'aretz reported on the expropriation of land in the area of the Israeli settlements near Kfar-Etzion, which was purportedly on grounds of security.

41. The report of the replacement by Jews for Arab inhabitants of the Jewish quarter appeared in The Jerusalem Post on 26 December 1975. According to this report:

"The principal factors limiting the pace of the work have been the requirement that all building sites first be probed by archaeologists and the negotiations with Arab residents of the quarter over compensation prior to their evacuation. Today there are only 20 Arab families still living in the quarter, and there are still about 70 Arab-owned shops. Some 6,000 Arab residents have been evacuated over the past eight years. In virtually every case, say Company officials, they received sufficient compensation to enable them to exchange primitive dwellings in the Quarter for larger and more modern housing outside the walls. Of the 600 Jewish families who are to live in the reconstructed quarter, 200 have already moved in. Another 100 are to move in next year and the remaining 300 families in 1977/1978.

42. The statement by the Housing Minister, Mr. Ofer that the peopling of Jerusalem and its area with Jews was a "matter of top priority" and justified the doubling in the number of flats to be built in 1976 was reported in Ha'aretz on 25 December 1975.

43. The announcement was made in Ha'aretz of 17 December 1975 that a settlement in the West Bank known as "Gitit" was to be converted into a permanent civilian settlement.

44. The decision that the Ministerial Committee for Settlements of the Occupied Territories had decided to establish "without delay" a number of settlements, including one to be known as "Pekaot B" in the Jordan Valley was reported in Ma'ariv, on 17 December 1975.

45. The report in Ma'ariv on 1 January 1976 stated that the Israeli settlement in Hebron, known as Kiryat-Arba, housed 250 families so far with a total population of 1,500 persons. According to the same report, 200 families were to be moved in during 1976 and 750 apartments were under construction.

46. The report in Ha'aretz on 6 January 1976 stated that the inhabitants of Rafat village, south of Ramallah, had complained to the occupation authorities about land expropriation in their region carried out by the Israeli Army.

47. On 21 January 1976, Ma'ariv reported on "the preparation" of 650 dunams

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(1 dunam equals 1/4 acre - 1,000 sq m) for the extension of the Israeli settlement at Khan-El-Ahmar, known as "Maaleh-Adumin" and the establishment of "4 big enterprises" had been authorized for the area.

48. The report on 24 March 1976 in Ha'aretz of the statement broadcast by the Jewish National Fund of Land Purchase in the West Bank, particularly the Ramallah area and south of Ramallah involving \$ 10 million.

49. An establishment of a new settlement during summer 1976 on Bethlehem-Hebron road was reported in Ma'ariv on 19 May 1976.

50. Major and Mrs. Cooper gave testimony before the Special Committee during its series of meetings held at Geneva on 9 and 10 June 1976 (A/AC.145/RT.73 and 74). The witnesses stated that, according to an over-all plan of the Israeli Government, a band of settlements would be constructed to include Ramallah and isolate Bethlehem from Hebron; a new industrial complex which was being built along the Jericho road would surround Jerusalem with settlements deep into the West Bank, in the following areas: Ramallah, Jerusalem, Jericho, Kfar-Qaddum, Sebastia, Kufir Malik, Dir Duban, Silwan, El-Kal, Ahina and Ram. Land used for the building of roads had been expropriated from private owners, while the systematic draining of water for the industries and agriculture in the plain had left the West Bank farmers short of water.

51. The evidence given by Mr. Desmond Sullivan who appeared before the Special Committee on 11 June 1976 (A/AC.145/RT.75) regarding a plan for building a new housing complex in the Maaleh-Adumin area - between Jerusalem and Jericho, which would be occupied by Israelis only, so as to make Jerusalem Jewish.

52. The transformation of a Nahal settlement into the civilian and permanent settlement of Mechora was announced in The Jerusalem Post of 13 July 1976.

53. The Jerusalem Post of 15 August 1976 reported on the construction of a new Moshav on the slopes of Mount Gilboa, west of Jenin, to house some 100 families to be drawn from existing settlements in the area.

54. The announcement by Housing Minister, Mr. Ofer, that Arab lands in Beit-Jallah would be expropriated in order to build a suburb in the area was reported in Ha'aretz of 5 August 1976. A Ha'aretz report of 6 August 1976 stated that 400 dunams of farm land had been fenced off.

(c) Gaza Strip

55. It was reported in Ha'aretz on 10 October 1975 that 350 housing units had already been constructed in Yamit, the Israeli settlement, and another 100 had been authorized by the Ministerial Committee for Settlements of the Occupied Territories.

56. The announcement of a decision of the Religious Kibbutz Movement to establish a new settlement within two months to be called Netzarim was reported in Ma'ariv on 6 November 1975.

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57. The Jerusalem Post of 7 November 1975 reported a statement by Mr. Toledano, the Prime Minister's Adviser on Arab affairs that "the Government was willing to pay the Bedouins far more than the law prescribed as long as the tribes accepted a final package deal". On 3 March 1976, Ma'ariv reported that 22 Bedouin families had refused money offers and had settled on the approach road to the Israeli settlement known as Yamit.

58. On 23 January 1976 The Jerusalem Post reported that 65 families had already moved into Yamit and 235 were expected to move in by July 1976. The report confirms that the main settlers in Yamit are "English speaking and Russian immigrants".

59. Ha'aretz reported on 21 May 1976 that eight or nine new settlements were to be established over the next two years, five in the Rafah area and four in the rest of the Gaza Strip.

60. Written evidence submitted to the Special Committee by Major and Mrs. Cooper and further confirmed by them indicated that construction in the settlement of Yamit in the Rafah Salient had progressed substantially during the first half of 1975.

61. Major and Mrs. Cooper confirmed that the Bedouin population from the village of Abu Shanar had been given three eviction notices in 1975 and had been informed by the Housing Minister that an "orderly" removal of the village northwards was planned with the help of the army. About 10,000 people had been affected by the expropriation of 160,000 dunams in northern Sinai. The following examples of methods used to acquire land were quoted from an article entitled "Democracy ends at Pithat Rafiah", which appeared in Ha'aretz on 29 July 1975:

"A boy of 9 signs a document by which he 'concedes' his land. 'Negotiations' with landowners in the Yamit area were held while bulldozers are stationed at the edges of the plots.

Applicants for identity papers or licenses to enter their property are required to sign written concessions as conditions for receiving the documents.

People who worked as teachers or in other government service jobs are fired because they refused to sell their land.

Youths and criminal elements are made into landowners and fraudulently receive compensation from the Government.

At the Avshalon crossroads, south of Rafah, stands a modern villa. The owner, together with a government worker in El-Arish, 'discovered' many 'landowners' for the Government, and part of the compensation found its way to their pockets. The two of them were arrested and tried, basically because they were not satisfied with forging documents for the 'good' of the Government, but also made sure to line their pockets.

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Lately residents of the coastal area near Yamit have been threatened with a transfer to the middle of Sinai. At night they are brought to the authorities, group by group, and heavy pressure is exerted. In at least one instance one man of 55 who refused to sell his land was badly beaten, and his teeth were broken.

Towards sheikhs and notables the government people adopt a policy of temptation: they offer them money and land in other areas way above the value of their 'Pitha' lands, on condition that they sell their private land and convince others of their tribe to do the same."

62. The following Nahal settlements on the northern Sinai coast and in the Gaza Strip were described by Major and Mrs. Cooper: Nahal Yam, 70 km s.w. of El-Arish and 60 km from the Suez Canal; Nahal Sinai, s.w. of El-Arish and Nahal Dikla, 11 km s.w. of Rafah. In the Gaza Strip, Kfar Darom, east of Deir Al Balah, Nahal Morag near Umm Kalb, Nahal Netzarim, s.w. of Gaza town, Gadish, between Deir Al Balah and Khan Yunis and Tel Or, near Deir Al Balah, whose locations broke up the continuity of the Arab communities in the area.

63. The transformation, in the near future, of two Nahal settlements in the Rafah Salient area into civilian settlements was announced in The Jerusalem Post of 6 July 1976. The Nahal settlements concerned were Nahal Succot and Nahal Sinai.

(d) Golan Heights

64. The announcement of a project of the Jewish Agency Settlement Department for the establishment of eight settlements in the central area of the Golan Heights appeared in Ma'ariv on 8 October 1975.

65. The report in The Jerusalem Post on 5 December 1975 announced the start of construction of a new settlement known as "Mazraat Quneitra".

66. The announcement, reported in The Jerusalem Post of 2 and 3 December 1975, of formal approval having been given for the establishment of four settlements, gave details on their location and added that, up to then, 18 settlements had been established in the occupied Golan Heights. A similar report on 2 December 1975 in Ma'ariv gives further details on these settlements.

67. The statement by Housing Minister, Mr. Ofer, reported on 14 December 1975 in Ma'ariv indicated that, thus far, 1,547 apartments had been constructed in the Golan Heights since 1967.

68. On 13 January 1976, The Jerusalem Post reported on the establishment of a new settlement in the southern Golan Heights, known as Moshav Ma'aleh Gamla.

69. The announcement in a Radio-Israel broadcast on 2 February 1976 quoted the Chairman of a Knesset Working Group, Mr. S. Almogilno, as saying that two settlements were under construction in the Golan Heights and another to be known as Tel Zeit, to start in the spring.

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70. The statement by Agriculture Minister, Mr. Uzan, that there was no more possibility for the establishment of agricultural settlements in the Golan Heights, and that industrial settlements only could be established henceforth was reported in The Jerusalem Post on 9 February 1976.

71. On 20 February 1976, Ma'ariv reported on a plan by a Haifa firm of consulting engineers, designed to increase the Jewish population of the Golan Heights to 40,000 to 45,000, for submission to the Zionist Federation and the Ministerial Committee for Settlements of the Occupied Territories.

72. On 23 May 1976, Ma'ariv reported that 200 housing units were under construction at a new settlement, known as Katzarin, and that settlers were scheduled to move in by the summer of 1977.

(e) Sinai

73. On 14 October 1975, Ma'ariv reported that the Ministry of the Interior was considering granting municipal status to the Israeli settlements at Sharm-El-Sheikh and Eilat on the Eastern shore of the Sinai peninsula.

74. On 19 December 1975, Ma'ariv reported of the establishment of a settlement near El-Arish, known as Nahal Haruvit.

75. The statement was made by the Housing Minister, Mr. Ofer, that "large-scale development activity" was scheduled for 1976 at the Israeli settlement at Sharm-El-Sheikh, known as Ophira and that 500 families were expected there by 1977.

B. Evidence of treatment of civilian detainees from the occupied territories, including administrative detainees

76. Mrs. Felicia Langer, an Israeli lawyer, was heard by the Special Committee during five meetings held from 28 to 30 July 1976. Mrs. Langer's name had been mentioned by several witnesses appearing before the Special Committee since its inception and her name had figured over the years since the occupation as defence counsel for Palestinians and other persons accused of security offences. The Special Committee therefore decided to invite Mrs. Felicia Langer to appear before it. The paragraphs that follow contain a representative sample of information communicated by Mrs. Langer during her appearance before the Special Committee.

1. Type of courts, and the laws applied, in the occupied territories 8/

(a) Types of courts

(i) Military courts

77. Mrs. Langer confirmed that on 7 June 1967 the following military courts empowered to try security offences were established according to the orders of the military governors: in Quneitra for the Golan Heights (following the hostilities of October 1973, the court was established in Majdal-Shams); in Gaza and in El-Arish for the Gaza Strip and Sinai, in Hebron, Nablus and Ramallah for the West Bank.

78. Arab and non-Arab inhabitants of East Jerusalem (also occupied in 1967) and Arabs from the occupied territories charged with committing unlawful acts within the borders of Israel, including East Jerusalem, are tried in the Israeli Court in Lydda, which was made to sit as a military court for these purposes.

79. Military courts have competence to try minors, except in East Jerusalem, where Israeli law, which provides for juvenile courts, is held to apply (A/AC.145/RT.77, p. 8).

80. Mrs. Langer stated that these courts have in personam jurisdiction over all persons, whether Palestinian, Israeli or others, who were in the occupied territories, or who had committed security offences in the occupied territories. She referred to the trial of Rabbi Moshe Levinger from the Israeli settlement in Hebron, Kiryat-Arba, who in 1976 was tried at the military court in Ramallah for having insulted an Israeli police officer and interfered with the execution of his duties.

81. Both the Lydda military court and the military courts in the occupied territories are sometimes presided over by one judge in the case of minor offences. A maximum sentence of five years' imprisonment could be pronounced in such cases. For serious offences, there was a panel of three judges, one of whom had to be a lawyer. The rank of the presiding judge could not be less than that of mayor.

8/ A/AC.145/RT.80, p. 3 et seq.

(ii) Non-military, civil and criminal courts

82. Mrs. Langer stated that the Jordanian courts continued to exist in the West Bank, the laws applicable being those applied before the occupation. In addition, there was concurrent jurisdiction of both military courts and Israeli district courts for certain offences enumerated in the military regulations, such as membership in an unlawful organization; however, cases arising from the fact of the occupation and involving inhabitants of East Jerusalem were transferred by the Attorney-General to the Lydda military court.

(b) Laws applicable in military courts

(i) Defence (Emergency) Regulations, 1945

83. The Regulations were originally promulgated in 1945 during the British Mandate Government of Palestine. Since the military courts are in previous British mandated areas, the Defence (Emergency) Regulations, 1945, are applied in the West Bank and in the Gaza Strip. The Israeli authorities deemed these regulations to be part of the Jordanian law existing in June 1967. By virtue of them being also part of Israeli law these regulations are the only law applicable in the Lydda military court. In the Golan Heights these Regulations are not applicable, as they were not part of the civil law there.

(ii) Proclamations and orders by the military governors

84. These laws, enacted after the occupation, are applicable in the Gaza Strip and Sinai, the West Bank and in the Golan Heights. They are not applicable in Lydda.

(iii) The Criminal Code (Offences Abroad) Amendment, 1972

85. Mrs. Langer also referred to this amendment according to which anyone performing an act outside Israel which constitutes a contravention or crime in Israel and whose purpose was to harm Israeli interests on land, sea or air could be tried according to Israeli law, even where the act in question was performed before 1972. This extraterritorial and retroactive law was justified on grounds of security. Mrs. Langer stated that under this law one of her clients was tried for having been trained in arms in the People's Republic of China before 1972 (A/AC.145/RT.77, pp. 28 and 29). Thus, under this retroactive law which was territorially limitless, a person, no matter in which part of the world, could be tried, e.g., for assisting Palestinian victims of the occupation, as this could be construed as being contrary to Israeli interests (A/AC.145/RT.77, p. 14).

(c) Security offences as provided for in these laws 9/

86. Mrs. Langer stated that security offences ranged from the more violent ones such as planting a bomb and other sabotage acts to others of a less serious

9/ A/AC.145/RT.81, p. 2 et seq.

nature. Since legally there was no way of expressing opposition to the occupation, any form of such expression was an offence for which one could be arrested. These included such acts as: raising a Palestinian flag, writing an anti-Israeli slogan on a wall, singing a Palestinian song, etc. Furthermore, no form of organization being permitted, including student or charity organizations, any existing organization was unlawful, and the maximum penalty under the Defence (Emergency) Regulations, 1945 for belonging to an organization was 10 years' imprisonment. Mrs. Langer stated that there was a tendency to impose harsh sentences for even minor security offences, as exemplified in the cases described below.

87. Mrs. Langer stated (A/AC.145/RT.78, p. 26) that assistance to families of political prisoners and families of those who had lost their lives in clashes with the military occupation authorities was construed as assistance to unlawful organizations and therefore forbidden. Thus, apart from the National Insurance in East Jerusalem and the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the West Bank and the Gaza Strip, there was no legal means of assisting destitute families. Mrs. Langer referred to the case of Souad Abu Mayaleh, 30, a school teacher from Ramallah, who was sentenced on 26 April 1976 to 10 years' imprisonment (of which five years were suspended) after being found guilty, inter alia, of assisting families in Gaza and Jerusalem.

2. Procedures and practices followed in the treatment of security detainees, including those held in "administrative" detention, from the moment of their arrest to their release from detention 10/

(a) "Administrative" detention

88. Mrs. Langer also stated that under regulation 111 of the Defence (Emergency) Regulations it was possible to hold people in detention indefinitely without bringing any charges or bringing them to trial. This was generally done when no specific charges could be brought against detainees, especially those suspected of being communist or having communist connexions.

89. Mrs. Langer stated that the decision to put a suspect in detention by administrative order is taken by the military governor in the case of persons in the West Bank, and by the Israeli Army authorities within Israel in the case of citizens of East Jerusalem. Neither the suspect nor the lawyer have any locus standi while this decision is made. Theoretically, an appeal lies with the High Court of Justice, but Mrs. Langer stated that the Court had informed her on several occasions that it would not intervene against decisions of the military commanders, who were prima facie justified in making them.

90. Another remedy against detention by administrative order is to appeal to the Advisory Committee of Appeal; however, this is an ex parte procedure, as neither the suspect nor his lawyer are permitted to be present during the review of the case, while the other party, comprising officers of the security forces, is present. Thus, the suspect is never aware or informed of the suspicions or accusations against him.

91. Mrs. Langer stated that some of the administrative detainees had been released recently, but that several who had been detained since April 1974 were still in prison.

92. Information on several cases of persons held in administrative detention was submitted by Mrs. Langer to the Special Committee. These cases are described in paragraphs 108 et seq.

(b) Procedures and practices in handling security offences

93. The procedures and practices followed with regard to persons arrested for security offences were described by Mrs. Langer, who gave the Special Committee a detailed account, illustrated by cases she had defended, of the various stages involved.

94. In the following paragraphs, this information is analysed in the context of the following stages:

- (i) At the moment of arrest;
- (ii) During interrogation;
- (iii) During pre-trial detention;
- (iv) Prison conditions during pre-trial detention;
- (v) During trial;
- (vi) Prison conditions in general;
- (vii) Conditions in women's prisons.

(i) At the moment of arrest

95. Two cases described to the Special Committee by Mrs. Langer indicate that violence is resorted to, even at the moment of arrest. Mrs. Langer described the case of Ahmed Sheikh Dahdhoul, aged about 50, from Salfit, who had been recently released from Nablus prison where he had been in administrative detention. Mr. Dahdhoul was arrested in Salfit on 23 March 1976, not long after his release and on the way to Tulkarm where he was to be interrogated, was so severely beaten by the police that he died. An official announcement attributed the cause of death to a heart attack, but at the post mortem it was revealed that there were no traces of a heart attack or stroke (A/AC.145/RT.79, p. 4 et seq.).

96. Mrs. Langer also referred to the case of Mutaleb Abu Rumeile (described below in para. 104) who was also beaten up at the moment of arrest while still in his house and in the presence of his wife and children. Mrs. Langer stated that this was corroborated by his wife at his trial.

(ii) During interrogation

97. Mrs. Langer emphasized the importance of the pre-trial period, as the trial itself was affected to a large extent by the pre-trial proceedings. Mrs. Langer stated that the basic tenets inherent in the principle of a fair trial, such as the right of the arrested person to have a lawyer and inadmissibility of confession obtained under duress, were not respected. The procedure which was followed in nearly all the cases defended by her was as follows: the arrested person is held incommunicado and is made to sign a self-incriminating statement by a police officer or military officer; usually no other witness is present. The statement is often obtained through the use of threats, torture and ill-treatment. In the case of torture and ill-treatment, the person inflicting the ill-treatment is dressed in civilian clothes and is referred to by a nickname, so as to be unidentifiable. He is later produced in court as a witness by the prosecution to support the prosecution's contention that the statement was not obtained under duress.

(iii) During pre-trial detention

98. Mrs. Langer stated that in the West Bank, according to the orders of the military authorities, a person could be kept under arrest for a period of six months before trial, and that this period could be renewed indefinitely. She added that, both under Israeli law and under the law applicable in the West Bank, at no stage was there an obligation to provide the detainee with a lawyer; in cases where Mrs. Langer had succeeded in seeing her clients during the period before trial, this was done at the discretion of the police officer or other authority, and not as of right. Thus, although the High Court of Justice had often stated that a detainee had a vested right to consult a lawyer, this was not the practice, and a detainee was often held incommunicado.

99. Interrogation of the detainee continues during this period. Several cases of ill-treatment were referred to by Mrs. Langer in this context. Some of these cases are described in the following paragraphs.

100. Lutfiya El-Hawari: Mrs. Langer described the detention of her client who had already been previously arrested and released. El-Hawari was subsequently arrested on 12 September 1969 on grounds that 20 detonators had been found in her house. She was taken to the Beit-Shemesh prison where she was held for 15 days, blindfolded, with her hands and feet tied. She was taken to a cell where she had to drink polluted water and where she could hear the howling of dogs. She was threatened that her house would be blown up unless she confessed to knowledge of the detonators, when in fact, her house was demolished a few days after her arrest.

101. Abla Shafik Tahha: Arrested in July 1968 for possession of sabotage material, Mrs. Langer stated that she was able to visit her in Moscoviya prison the following month. During this visit which had taken place in the presence of several people, Mrs. Tahha had informed Mrs. Langer of the treatment to which she had been subjected when in prison. She stated that on her arrest she had been put into a cell with prostitutes, who had ripped off all her clothes in the presence of a

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policeman, attacked her and beaten her until she had lost consciousness, despite the fact that she was pregnant. The beatings had resulted in a haemorrhage, but Mrs. Tahha's request for a doctor had been refused. Mrs. Langer testified that she had seen bruises on Mrs. Tahha's body. Mrs. Tahha was subsequently tried and sentenced to four years' imprisonment, but was released shortly after her sentencing when her request to emigrate was granted by the West Bank regional commander.

102. Ziad El-Assa (A/AC.145/RT.79, p. 28): Arrested on 23 April 1974 at the age of 17, he was accused of being a communist and of having spread anti-Israeli propaganda. He was detained in Hebron prison where he was interrogated and severely beaten to extract from him the names of other communists. He was held in detention for 10 days, during which various unsuccessful attempts were made by Mrs. Langer to visit him. On his release from prison, he was immediately put into Bethlehem Hospital, so severe was his condition. He was transferred to Amman for treatment and then from there to Moscow, where he was hospitalized for a period of nine months. At his request, Mrs. Langer visited him in Moscow in July 1975, following his treatment there. She stated that even then, his limbs still trembled, his paralysis not having been completely cured. Describing the torture inflicted on him during his detention, he informed Mrs. Langer that he had been beaten on the head, hung from the ceiling while a bottle was inserted into his rectum, blindfolded and given electric shocks. After his legs were half paralysed, he was released and put into hospital. A request by Mrs. Langer that the State of Israel compensate him for having made him a cripple had remained uncontested and unanswered. El-Assa was now in Amman.

103. Mohammed Nagy Bhiz (A/AC.145/RT.77, pp. 11 and 12): Arrested on about 7 November 1968. An attempt by Mrs. Langer to see him a week later was unsuccessful, but from a subsequent visit she was able to ascertain that her client was badly beaten during interrogation, which resulted in injuries to his head and his eye.

104. Mutaleb Abu Rumeile (A/AC.145/RT.79, p. 12 et seq.): Arrested on 8 March 1969 in East Jerusalem for possession of arms and membership in an unlawful organization. Mrs. Langer stated that his mental state had regressed to that of an animal's as a result of the torture inflicted on him during his detention. An East Jerusalem doctor, Suhhi Goshi, had ascertained that Rumeile had been traumatized by the colour red, due to the fact that his torturer wore this colour. He was eventually treated in a mental hospital and was cured of this condition which, however, could recur.

105. Anton Yacub Khalis (A/AC.145/RT.78, pp. 28 and 29): Mrs. Langer stated that Khalis had informed her that he was taken to Moscoviya prison after his arrest where he was ill-treated in order to force him to confess that he was a member of an unlawful organization. Khalis had stated that he had been beaten on the stomach on the area where he had an ulcer, was thrown on his head, kicked and spat on, was given bad food and urine to drink when he was thirsty.

106. Yitzak El-Maraghi (A/AC.145/RT.77, p. 15): Mrs. Langer stated that El-Maraghi had been arrested on 7 March 1969 for having distributed money to poor families in East Jerusalem, some of whom were families of persons detained for security offences. Her assistant, Ali Rafah, was able to see him and informed Mrs. Langer of his conditions, swollen hands and a large wound on the top of his head. Mrs. Langer was subsequently able to visit him on several occasions in Damoun prison, where she herself was able to see marks of beatings on his body. Mrs. Langer stated that El-Maraghi informed her that following his arrest he was taken to Moscoviya prison in Jerusalem, where he was beaten on the body with a wooden stick for 21 days until he was swollen all over, and had hot and cold water alternatively poured over him. The beatings, which caused serious injury to his head, were given in order to compel him to give the authorities information on unlawful organizations. No medical treatment being given to the wound in the head, it worsened, and he was finally taken to the hospital of Ramleh prison. Despite the treatment, he suffered from severe headaches as the result of the wound. Following a complaint by Mrs. Langer on his behalf, El-Maraghi, who was never brought to trial, was made to appear before the police for interrogation. Mrs. Langer, who was not asked to be present during this investigation, despite demands to that effect by her client, subsequently received a letter from the police stating that the complaint had been investigated and was found to be baseless. El-Maraghi was eventually expelled.

(iv) Prison conditions during pre-trial detention

107. Mrs. Langer stated that she was able to ascertain that prison conditions of detainees prior to trial were far worse than prison conditions after sentencing (A/AC.145/RT.80, p. 5 et seq.). She described a cell in Hebron prison where two of her clients, Musa Mohamed Ali Taqtaqa and Fathi Hashim Tawabita, were incarcerated and which she was permitted to visit on 3 May 1973, together with the Lydda military court which was trying the accused. The dimensions of the cell were 1 1/2 metres by 2 metres and the surface of the walls and of the floor were of rough cement so that a person moving within the cell was constantly injured. There was no light and ventilation consisted of a small opening in the roof. The bed was a mat a centimetre and a half in thickness and a bucket served as a toilet while another bucket contained water. She noted that conditions in cells, where convicted prisoners served their sentences, which were shown to her at her request, were far better.

108. The following cases concerning persons detained under regulation 111 of the Defence (Emergency) Regulations, 1945 ("administrative" detention) were brought to the attention of the Special Committee.

109. Mohamed Atwan (A/AC.145/RT.79, p. 25 et seq.): Mrs. Langer stated that he was arrested on 29 April 1974 and that she visited him the following month in Moscoviya prison. An elderly man, Atwan had informed Mrs. Langer that he had been severely beaten during his interrogation. He was released without any charges having been brought against him, but in June 1974 was asked to appear at the offices of the Jerusalem police on three consecutive days for further interrogation. On two such occasions he was severely beaten by four investigators until his physical

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condition was extremely grave. On the third day of interrogation Atwan visited the office of Mrs. Langer, who testified that his condition was very serious and that he had a haemorrhage in the scrotum. He was hospitalized the same day at Hospice Hospital and subsequently received surgical treatment.

110. Yusuf Abdallah Udwan (A/AC.145/RT.78, pp. 18 and 19): Mrs. Langer stated that she had seen this detainee in Tulkarm prison in April 1969, and that he had been arrested on suspicion that he was a communist. Udwan had described his torture to Mrs. Langer stating that electricity and sticks had been used to torture him and that his torturers put lit matches near his lips to amuse themselves. A complaint describing the ill-treatment was sent by Mrs. Langer to the military governor, who stated in his reply that all her allegations were baseless. Udwan was eventually expelled.

111. Suleiman El-Najab, Khalil Hijazi, Ghassan El Harb and Jamal Freteh (A/AC.145/RT.78, p. 5 et seq.): Mrs. Langer stated that these detainees had been seen by her on 2 July 1974 in Jallameh prison in Haifa. She testified that she saw marks of severe ill-treatment on their bodies, and that these men, some of whom she had seen prior to their arrest, had been completely healthy before their detention. The detainees bore the marks of the ill-treatment to which they had been subjected - inflammation of the body caused by pouring a burning substance all over the body, including the genitals, and severe beatings - the scars left by this treatment were noted in writing by Mrs. Langer and were observed by the prison guard named as Abu Nabil who subsequently denied having noticed them. A request by Mrs. Langer for an immediate medical examination of the detainees was refused, but an application for an order nisi against the Minister of Police and a request for an inquiry commission were granted. Mrs. Langer stated, however, that the procedure of the commission was a travesty of justice since one of the members on the two-man body was notorious for his avid hatred of Arabs and communists. The findings of the commission were that the detainees were lying and that the wounds on their bodies were self-inflicted "in order to smear the Israeli Government". Suleiman El-Najab and Khalil Hijazi were eventually expelled.

112. Mohammed Abou Gharbieh (A/AC.145/RT.78, p. 4): Aged 38, from East Jerusalem, father of five children, Gharbieh was arrested in April 1974 on the grounds that he had affiliations with communism and the Palestine National Front. He was imprisoned in Jallameh prison in Haifa where Mrs. Langer saw him on 2 July 1974. Gharbieh informed her that after his arrest he had been transferred to a military prison where he was tortured by being beaten on the genitals. He subsequently contracted tuberculosis and was released from Jallameh after two years of imprisonment.

113. Attalah Rashmawi (A/AC.145/RT.78, p. 28): Imprisoned since April 1974 for having communist affiliations, Rashmawi was overwhelmingly elected municipal councillor in the village of Beit-Sahur during the elections in the West Bank held in March 1976. An appeal for his release was made by Mrs. Langer on 22 April 1976 but was rejected on grounds of security.

114. Zuheir Amira (A/AC.145/RT.78, pp. 29 and 30): Sentenced in 1971 to three years' imprisonment and five years' suspended sentence for possession of arms and membership in an unlawful organization, on completion of the sentence, Amira received an Administrative Order for further detention of one year; this Order was successively renewed, so that he had been in detention for more than two years in addition to the sentence he had served. An appeal by Mrs. Langer to the Advisory Committee of Appeal against the administration detention was unsuccessful, as was an order nisi against the Minister of Police and the military governor of the West Bank, the latter having informed Mrs. Langer that the detention was necessary as the detainee would otherwise constitute a danger to the public order. The case would be reviewed in September 1976.

115. Other names of detainees mentioned by Mrs. Langer were: Abbas Abdul Hak, Mohammed Sa'ada, Daoud Isametah, an ailing man, Abdul El-Bayart and Tayseer El-Arouri, a professor of mathematics at Bir-Zeit University, who had graduated in physics in Moscow. She stated that the period of detention of the last two named as well as of Ghassan El Harb and Attallah Rashmawi had been recently extended, despite the fact that some of these cases had been reviewed by the Committee of Appeal. Mrs. Langer added that there was a tendency to propose to detainees "to buy their freedom by leaving the country", but that she was not aware of any cases where consent was freely given. Such a proposal had been made by the Committee of Appeal to detainee Tayseer El-Arouri who rejected it (A/AC.145/RT.81, p. 10).

(v) During trial

116. Mrs. Langer stated that at the trial stage the accused may be defended by counsel; if he has no lawyer the court supplies him with one. The lawyer has access to all the documents of the prosecution, and, in general, is not hampered in the performance of his duties.

117. According to Israeli law, when the validity of a confession is questioned by the defence, the prosecution has the burden of proving that the confession of the accused was obtained lawfully. The prosecution does this by bringing witnesses on its behalf, namely, those involved in the interrogation of the accused. The defence also is entitled to produce witnesses, usually the accused himself and other witnesses, if any. This procedure was known as a "trial-within-a-trial". The court weighs the testimony of both sides and took a decision as to whether the confession was lawfully obtained in which case it was submitted to the court as evidence.

118. Mrs. Langer stated that, judging from her experience in defending Palestinians accused of security offences, the "trial-within-a-trial" was almost always partial, in that judges believed the testimony of the prosecution's witnesses that confessions were obtained from the accused by their own free will and without duress, while the accused were never believed, even when it was possible to show marks of torture and ill-treatment on their bodies. Mrs. Langer emphasized the fact that not once was she able to convince the judges of the true nature of police interrogation. Mrs. Langer referred in this context to the case

of Abu Rumeile (already mentioned in the para. 104 above) who had testified to the court at great length during the "trial-within-a-trial" stage on the tortures inflicted on him. The alleged torturers, also questioned by the court, had denied the statements of the accused, and the court had held that the accused's claims were an "Arabic fantasy".

119. Once the above evidence was accepted by the court, the accused's lawyer was allowed to make a case for the defence. However, Mrs. Langer stated that in view of the great importance and credibility given by the court to the accused's statement regardless of the manner in which it was obtained and in view of the court's implicit belief in the prosecution's witnesses, the defence did not have a fair opportunity to defend its client (A/AC.145/RT.77, p. 9 et seq. and A/AC.145/RT.78, pp. 2 et seq.).

120. To illustrate the bias in the application of these procedures, Mrs. Langer referred to a practice by which it was possible to request the court to undertake an on-the-spot visit to investigate prison conditions, in particular during the "trial-within-a-trial"; despite numerous requests made by her, she had been able to obtain such an inquiry in only two cases. She referred to the trial of Bashir El Khairi, whom she had visited in Ramallah prison during his pre-trial detention and on whom she had observed marks of beating. At the trial the accused had requested the court to visit the cells in the Ramallah prison, so that the court could note that it was the practice in Ramallah prison to beat up political detainees. The court had desisted, on the grounds that this was not within its competence. Mrs. Langer stated that such visits were indeed possible, but that the court in this case had feared that an investigation into conditions under which detainees were held would leave the bona fides of the entire proceedings open to question (as, for example, the courts' implicit belief in the prosecution's witnesses) (A/AC.145/RT.78, pp. 14, 15 and 17).

121. Mrs. Langer referred to the case of Musa Mohamed Ali Taqtaqa and Fathi Hashim Tawabita. Mrs. Langer had obtained permission to visit the Hebron prison cells together with the court, but the judge had held that the cell in question could not have influenced the accused in making his statement under duress and that it was given of his own free will.

122. Where the verdict was "guilty", the accused was given the right to bring character witnesses after being sentenced, and was given the privilege of making a further statement. However, the accused had to avoid making political declarations such as his right to a homeland or devotion to the Palestinian people, as such views were considered "aggravating circumstances" which could result in a harsher sentence. Mrs. Langer cited the cases of Ytzak Maraghi and Hasan Abu Kadeir, charged with membership in the Palestine National Front, rendering services to this organization and the possession and carrying of arms, and who were given heavy sentences (26 years imprisonment in the one case and 15 years in the other) by the Lydda military court after having expressed their pro-Palestinian views in their final statement to the court. An appeal had been made to the High Court of Appeal in Lydda for commuting sentences and an answer was awaited (A/AC.145/RT.78, p. 26).

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123. Mrs. Langer stated that there was a current tendency by the military courts in Ramallah, Nablus and Gaza to impose disproportionately heavy sentences for relatively harmless political activities, such as raising the Palestinian flag, spreading leaflets, and writing slogans. She mentioned the case of Mohamed Badagh from Nablus, who received a five-year sentence (of which 2 1/2 years were suspended) for writing slogans against the occupation on a school wall in Kalkilya; Nizam Ataya, from Ramallah, who received a four-year sentence for spreading leaflets and writing anti-Israeli slogans, and Ibrahim Garaybeh, who received a two-year sentence plus three suspended for similar offences.

124. On conviction of the accused, the sentence was approved by the military governor. There was no right of appeal (except for cases heard by the Lydda military court) but the accused could apply for clemency.

125. Proceedings during the trial were held in Hebrew with interpretations in Arabic, which Mrs. Langer described as satisfactory.

(vi) Prison conditions in general

126. In her testimony Mrs. Langer stated that prison conditions varied with each prison, but most inmates complained of the cramped space and danger to their health, due to bad food, lack of proper medical aid, poor ventilation and lack of beds and mattresses. In addition, Israeli law did not recognize a distinction between a political prisoner and a criminal, and both were therefore imprisoned in the same cells. As an example of the danger inherent in such a practice, Mrs. Langer described to the Special Committee the case of Hadda Nimr, a 20-year old school teacher from Ramallah, who had been sentenced for having received training in arms in the Soviet Union. Nimr was imprisoned in Nablus prison where he was killed by his cell-mate, an Arab who had previously murdered an entire family in Bethlehem, and who was known to the prison authorities as a dangerous element (A/AC.145/RT.78, pp. 31 and 32).

127. The following other cases, illustrating prison conditions and treatment of prisoners, were referred to by Mrs. Langer.

128. Mohammed Suleiman Kattamesh (A/AC.145/RT.78, p. 24 et seq.): Sentenced on 25 November 1975 to eight years imprisonment for having been trained in arms in the USSR and for activities in the Palestine National Front, a request for clemency made by his lawyer had not been answered. Meanwhile Kattamesh had been put into Nablus prison, where he had fallen ill. No medical treatment having been given to him, his condition had deteriorated until he was paralysed in both legs and in the right arm and had almost lost sight in the right eye. Following pleas by Mrs. Langer, he was transferred to Sarafand Hospital where he was at the time of submission of evidence. Mrs. Langer had again applied for clemency in view of his physical condition and several mayors and notables had requested his release, but no answer had been received.

129. Samir Shafik Derwish (A/AC.145/RT.78, pp. 23 and 24): Sentenced to 20 years imprisonment in 1967 for armed infiltration, Derwish made an unsuccessful attempt

to escape in 1974. He was twice brought before investigators and during the interrogation was beaten up by prison guards and even by officers of the prison's management. The beatings caused him an open wound on the head and numerous wounds on other parts of the body. He was then put into a cell for 10 days with his hands and feet chained and was threatened that if he did not give the authorities the information they wanted, his mother and brother would be put into administrative detention. On his refusal to co-operate, he was put into solitary confinement for a period of three months and was denied the privilege of a walk. The chains on his hands were left on him until June 1975, for a period of over a year. Derwish then went on a hunger strike in protest against his treatment and after a month was transferred to a common cell with other prisoners. Mrs. Langer had visited him there on several occasions. In March 1976 he was again put into solitary confinement on charges of having incited the other prisoners. Mrs. Langer had last seen him there on 11 June 1976. Other witnesses who had seen marks of beatings on his body were Suleiman El-Najab, an administrative detainee from Ramallah, who was expelled and who was now in Amman and Karl Motel, an Austrian now back in Austria.

(vii) Conditions in women's prisons 11/

130. Mrs. Langer stated that many of her female clients had complained of the deplorable conditions in prison. A common practice was to put political prisoners together with prostitutes, and in some cases mentioned by Mrs. Langer, the latter would be asked by prison authorities to beat up the prisoners and harass them. One of her clients, Rasmieh Odeh, incarcerated in Neve-Tirzah prison, complained to Mrs. Langer who visited her there of the harsh attitude of the prison authorities - according to this woman, prison authorities allowed external events to influence them in dealing with the prisoners - e.g., a sabotage act would result in the denial of certain privileges to the prisoners, and collective punishment such as confiscation of books and personal belongings. There were also complaints of inadequate medical treatment. A complaint by Mrs. Langer on these conditions was rejected by the authorities in a letter sent to her in September 1975.

131. Mrs. Langer also described the conditions in the women's prison at Gaza. Following an attempt by Rasmieh Odeh to escape from the Neve-Tirzah prison, where women prisoners are incarcerated in order to be "persuaded" to confess, she was transferred to the Gaza prison which was described by her as "a hell" and where she was kept for more than a month. The dimensions of the cell in which she was kept were 1 x 1 metre, and the cell had no window to the outside. The only window was placed in the direction of the interrogation rooms, so that the screams of those being interrogated could be heard. There was an uncovered toilet in the corner and the cell which was lit by a very strong light, both by night and day, was hot and humid. Prisoners were not given the privilege of a walk, although an exception was made in the case of Rasmieh Odeh because of her illness. As regards the other cells, they contained no beds or mattresses, and it was

forbidden to lie down during the day. All conversation was forbidden, because "it disturbs the silence and the possibility of recreation of the guards".

Contravention of these rules resulted in the offender being prevented from using the outside toilet and being forced to use the toilet in the cell itself, thus worsening the existing conditions both for herself and her cellmates (written evidence submitted by Mrs. F. Langer in document No. 76/33, pp. 5 and 6).

132. The use of a shower was permitted once a week, which was considered inadequate, in view of the hot climate of Gaza and women were denied the necessary hygienic facilities during menstruation. Medical treatment was said to be virtually non-existent, as medicines prescribed by the doctor were non-available.

133. Complaints by prisoners to the International Red Cross were discouraged. A complainant who later had occasion to ask the prison personnel for something she needed would be told: "Ask the International Red Cross for everything you wish. If you have such a big mouth, try to obtain it from them. From us you will receive nothing."

134. Mrs. Langer also referred to the cases of Mariam El Shahshir, Ayesha Odeh and Hadiya Roman, Palestinian women imprisoned in Neve Tirzeh and who had complained to her about prison conditions. The authorities' answer to a complaint by Mrs. Langer on the above had been that the treatment in the prisons was satisfactory. A request by Mrs. Langer for a gynaecological examination in the case of Ayesha Odeh who had complained of sexual abuse had been rejected, on grounds that the victim herself had not complained to them.

135. Mrs. Langer stated that Hadiya Roman, Fatmah Barnave and Ayesha Odeh, were very ill. The latter two, Rasmieh Odeh and Mariam El Shahshir had been sentenced for life. Mrs. Langer stressed that their situation was alarming, in view of the poor conditions in prison and the lack of medical care. She added that the ICRC was aware of their situation, but that their help was limited.

136. Mrs. Langer stated that except in the case of the very ill, those who requested permission to leave the area after having served a long sentence were denied it.

C. Evidence of the effects of the prolonged occupation in the form of mass manifestations, regular occurrence of incidents, adoption of repressive measures, ill-treatment, a pattern of mass arrests, trials and convictions

1. Mass manifestations and regular occurrence of incidents

137. The discovery of a booby-trap charge in the Ramallah area was reported on 14 October 1975 in Ma'ariv.

138. The shooting and killing of two shepherds near the Syrian-Israeli truce line was reported on 15 October 1975 in The Jerusalem Post.

139. The discovery of 41 detonators on a 90-year-old woman on one of the Jordan bridges was reported in Ma'ariv on 17 October 1975.

140. Attempt on the life of a new member of the Gaza municipal council was reported in Ma'ariv on 22 October 1975.

141. The explosion of a booby-trapped car in Jerusalem was reported in Ma'ariv on 29 October 1975.

142. The burning of a car belonging to the Chairman of the Jenin Chamber of Commerce was reported in Ma'ariv on 30 October 1975.

143. The shooting and wounding of a Palestinian in the Hebron area by a civil guard was reported in The Jerusalem Post on 4 November 1975.

144. The protest demonstration by 250 students of Bir-Zeit college was reported in The Jerusalem Post on 4 November 1975.

145. The destruction of an Israeli hut at Dura near Hebron was reported in Ma'ariv on 5 November 1975.

146. The demonstration at Ramallah school was reported in Ma'ariv on 9 November 1975.

147. The discovery of a hand-grenade planted under a car in central Nablus was reported in Ma'ariv on 9 November 1975.

148. The continuation of disturbances at Ramallah was reported in Ha'aretz on 10 November 1975.

149. The demonstrations, strikes and sit-ins held in Nablus, Jenin, Kalkilya, Jericho and Bethlehem were reported in Ha'aretz on 13 November 1975.

150. The bomb explosion in Jerusalem was reported in The Jerusalem Post on 13 November 1975.

151. The bomb explosions in Ramallah and El-Bireh were reported in The Jerusalem Post and Ma'ariv on 16 November 1975.
152. The demonstration in Nablus was reported in Ha'aretz on 1 December 1975.
153. The shooting and killing by an Israeli soldier of a Gaza civilian was reported in Ma'ariv on 5 December 1975.
154. A throwing of a grenade at an Israeli tractor in the Gaza Strip was reported in Ma'ariv on 4 December 1975.
155. The shooting and killing by an Israeli soldier of a civilian in the Gaza Strip was reported in The Jerusalem Post on 9 December 1975.
156. The non-violent demonstrations by 150 secondary school pupils in East Jerusalem and the demonstrations in Nablus were reported in Ha'aretz on 8 February 1976.
157. The demonstrations by 300 youths in East Jerusalem were reported in The Jerusalem Post on 12 February 1976.
158. Violent street riots in Nablus were reported in The Jerusalem Post on 13 February 1976.
159. The incidents of unrest in Jerusalem, Jericho, Nablus and other West Bank towns were reported in The Jerusalem Post on 15 February 1976.
160. The demonstrations by 400 women in East Jerusalem were reported in Ma'ariv on 14 February 1976.
161. The resignation of the municipal council of Nablus because of clashes between the army and students was reported in Ha'aretz on 8 March 1976.
162. The demonstrations and business strikes in Nablus and neighbouring villages were reported in Ma'ariv on 10 March 1976.
163. The riots in Tulkarm, Jenin and the village of Hartiya were reported in Ma'ariv on 11 March 1976.
164. The resignations of the municipal councils of the towns of Ramallah, El-Bireh, Bir-Zeit and Silwan were reported in The Jerusalem Post on 11 March 1976.
165. The riots in Tulkarm, Jericho and in Ramallah district were reported in The Jerusalem Post on 11 March 1976.
166. The riots in the Balata refugee camp and in Yartah village near Tulkarm and in Atil were reported in Ma'ariv on 14 March 1976.
167. The "worsening situation" and riots in East Jerusalem were reported in The Jerusalem Post on 17 March 1976. The riots in Bethlehem, Beit-Sahur, Hebron, Jericho and Halhul were reported in Ha'aretz on 18 March 1976.

168. Further deteriorations were reported in Ha'aretz on 17 March 1976 and riots in Azariya and Abu-Dis were noted in the same report.

169. The resignation of the mayor of Jenin was reported in Ha'aretz on 22 March 1976. The riots in Hebron and Dahariya were reported in Ha'aretz on 23 March 1976. During these riots acts of brutality of Palestinians at the hands of Israeli members of the settlement known as Kiryat-Arba were reported.

170. A Ha'aretz report of 8 July 1976 stated that an inquiry into allegations of ill-treatment was continuing.

171. The description of the disturbances which took place on 17 March 1976 in Hebron was given by Dr. Ahmad Hamzi Natsheh who appeared before the Special Committee during its meetings in June 1976. Dr. Natsheh stated that violent methods were used by the Israeli authorities in quelling the disturbances. He referred to two cases treated by him for injuries sustained during the disturbances, a 17-year-old girl who had a bullet in her right leg and a man from the village of Abu-Dis who was wounded by a bullet in the shoulder. Dr. Natsheh stated that apart from fire-arms the Israeli authorities set dogs on the crowds participating in the demonstrations, as a result of which he recalled that 37 persons were treated for dog-bites in Hebron hospital.

172. The shooting and killing during a riot of a 10-year-old boy was reported in The Jerusalem Post on 23 March 1976.

173. The riots in Beit-Safafa were reported in The Jerusalem Post and Ha'aretz on 24 March 1976.

174. The resignation of the Salfit municipal council was reported in Ha'aretz on 25 March 1976.

175. The demonstrations by 150 youths in Nablus were reported on 5 April 1976. The riots in Jenin refugee camp were reported in Ha'aretz on 7 April 1976.

176. The death of a 42-year-old Palestinian was reported in Ha'aretz on 18 April 1976. The death of a 6-year-old Palestinian child was reported in The Jerusalem Post on 18 April 1976.

177. The demonstrations and strikes in Ramallah, Nablus and Jenin were reported in Ha'aretz on 19 April 1976.

178. The "violent demonstrations" in Nablus, Jenin and Tulkarm were reported in Ha'aretz on 2 May 1976.

179. The explosion of a bomb planted in a motor scooter in Jerusalem was reported in The Jerusalem Post on 4 May 1976.

180. The disturbances in West Bank towns, including business strikes, were reported in Ha'aretz on 16 May 1976.

181. The riots in Nablus were reported in The Jerusalem Post on 17 May 1976.
182. The death of a 22-year-old Palestinian from Nablus was reported in Ha'aretz on 2 May 1976.
183. The shooting and killing of a 17-year-old Nablus girl was reported in The Jerusalem Post on 17 May 1976. On 11 August 1976, The Jerusalem Post reported that the soldier involved in the incident had been charged with manslaughter and was to be brought to trial.
184. The bomb explosion in Kfar-Saba was reported in The Jerusalem Post on 17 May 1976.
185. The death of a 20-year-old Kalandia Palestinian who was shot was reported in The Jerusalem Post and Ha'aretz on 18 May 1976.
186. The shooting and killing of a 21-year-old East Jerusalem Palestinian was reported in The Jerusalem Post and Ha'aretz on 19 May 1976.
187. The same report describes a general strike in East Jerusalem. The riots in several West Bank towns were reported in The Jerusalem Post on 20 May 1976.
188. The wounding of two youths as a result of a clash with a border police patrol in Nablus was reported in Ha'aretz on 1 August 1976; the youths were reported to have thrown a Molotov cocktail at the patrol.
189. The shooting and killing of three residents of the Gaza Strip at Shtula by an Israeli army patrol for having attempted to cross the border into Lebanon, were reported in The Jerusalem Post on 15 August 1976.
190. The several incidents of unrest and disturbances in East Jerusalem and in West Bank towns were reported in the Israeli press during July and August 1976, as a result of the imposition of value added tax (VAT) to be levied in these areas and in the Gaza Strip. The tax was imposed in Israel and in East Jerusalem on 1 July 1976, but was sought to be imposed on the West Bank and in the Gaza Strip on 1 August 1976, in order to give Arab businessmen an opportunity to familiarize themselves with the complexities involved. However, an 8 per cent rise in certain items would be imposed in the West Bank and in the Gaza Strip on 1 July 1976 in order to match the price rise in Israel. As a result business strikes, demonstrations, clashes with the police and other similar incidents took place in East Jerusalem and in West Bank towns; demonstrators were arrested, curfews were imposed on major West Bank towns and one Nablus resident aged 17, Hashem Jamal Shantir, was killed during clashes with security forces in the Qasbah area of Nablus, as reported in Ha'aretz on 5 July 1976. West Bank residents were opposed to the tax which would be levied on merchants whose annual turnover exceeded £I 75,000 on the grounds that:

(a) It was contrary to international law and Israel's obligations as an occupying Power;

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(b) It was not a part of Jordanian law under which the West Bank was administered;

(c) Its imposition would be inequitable, since the average salary of an inhabitant of the occupied territories was half that of his Israeli counterpart.

2. Measures of repression and ill-treatment

191. The curfew imposed on part of Jenin was reported in Ma'ariv on 30 October 1975.

192. The closing of a women teachers' training college in Ramallah, in retaliation to demonstrations, was reported in The Jerusalem Post on 1 November 1975.

193. The closing of four business establishments, in retaliation to the bombing of Israeli civilian cars in El-Bireh, was reported in Ha'aretz on 20 November 1975.

194. The imposition of a curfew in Nablus was reported in Ha'aretz on 1 December 1975.

195. The suspension from her job of an El-Bireh secondary school-teacher, Florinda Laham, and reduction of her salary by 90 per cent after she had been sentenced to four months' probation for taking part in a "sit-in" at the school on 31 January 1976 was reported. This information was communicated to the Special Committee by Major and Mrs. Cooper, who described the conduct of the Israeli soldiers who had burst into the school and beaten teachers and pupils, injuring several among them.

196. The ban on travel from Ramallah, Nablus and El-Bireh to Jordan and vice versa was reported in Al-Hamishmar on 16 February 1976, in retaliation to demonstrations in those towns. This ban was lifted on 4 March 1976, according to Ha'aretz.

197. The closing of a secondary school in El-Bireh for two weeks and another one in Tulkarm was reported in Ha'aretz on 29 February 1976.

198. The ban on trade with Jordan and the refusal to issue travel permits to Palestinians was reported in Ha'aretz on 4 March 1976.

199. The curfew imposed on Jenin refugee camp and the rounding-up of all the male population of the camp was reported in Ma'ariv on 14 March 1976.

200. The curfew imposed on Ramallah, El-Bireh and the El-Amari refugee camp was reported in Ha'aretz on 16 March 1976. Mrs. Langer stated to the Special Committee that the long curfew imposed on these towns resulted in tragic consequences for those requiring medical treatment as in the case of Mohammed Yahya El Kurd from East Jerusalem. Severely injured during the demonstrations, El Kurd died from lack of medical care as the surgeon who was in Ramallah was prevented from attending to him because of the curfew in that town.

201. The partial curfew on Halhul and Hebron was reported in Ha'aretz on 18 March 1976.

202. The lifting of the curfew on Ramallah and El-Bireh after 10 days was reported in The Jerusalem Post and Ha'aretz on 26 March 1976.
203. The closing of the Jerusalem daily Arabic language newspaper Al-Shaab was reported in Ha'aretz on 22 March 1976. The newspaper was allowed to reopen on 7 April 1976.
204. The curfew on Jenin refugee camp was reported in Ha'aretz on 7 April 1976.
205. The curfew on West Jenin was reported in Ha'aretz on 19 April 1976.
206. The sealing-off of the Nablus Qasbah was reported in The Jerusalem Post on 23 April 1976.
207. The curfew on the Tulkarm refugee camp was reported in Ha'aretz on 23 April 1976.
208. The curfew imposed on Nablus and Tulkarm were reported in Ha'aretz on 2 May 1976. These curfews were reported lifted in Ha'aretz on 7 May 1976.
209. On 4 May 1976, Ha'aretz reported the third consecutive day of the curfew on the Nablus Qasbah.
210. The imposition of "preventive" curfews on Nablus and East Jenin was reported in Ha'aretz on 16 May 1976.
211. The imposition of "preventive" curfews on Jenin, Nablus and the Balata refugee camp was reported in The Jerusalem Post and Ha'aretz, on 18 May 1976.
212. The curfew on Ramallah and El-Bireh, in addition to that on Nablus, Jenin and Balata (see preceding para.), was reported in The Jerusalem Post, and Ha'aretz on 19 May 1976.
213. The Jerusalem Post of 27 July 1976 reported that a curfew was imposed on the Balata refugee camp near Nablus following the explosion of a bomb in a Nablus restaurant which killed a policeman and wounded three others.
214. The demolition of a house belonging to a Palestinian suspect was reported in Ma'ariv on 17 October 1975; according to the report, the house was demolished the day before the Supreme Court of Israel issued an interim order against the demolition.
215. The demolition of the houses of five Palestinian youths suspected of security offences was reported in Ma'ariv on 5 November 1975.
216. The demolition of the house of a Palestinian suspect was reported in Al-Hamishmar on 9 November 1975.

217. The demolition, on 15 December 1975, of the house of Ahmed Ali-El-Afghani from the Burej refugee camp in Gaza was brought to the attention of the Special Committee by Mrs. Langer. The demolition had been carried out because a member of the household had been charged with planting a bomb, and it had left the 11 members of the family homeless. At the trial which was held later the accused was acquitted of the offence. Mrs. Langer stated that it was doubtful whether any restitution was possible, despite the circumstances peculiar to this case.

218. The demolition of the houses of two Palestinian suspects was reported in Ma'ariv on 8 January 1976.

219. The demolition of a house in the village of Beit-Ur, belonging to the Osman Osman family, was referred to by Major and Mrs. Cooper. The house sheltered a family of six who were left destitute when the father was arrested after weapons were found in the house.

220. The policy of forbidding families thus rendered homeless from rebuilding their home was described by Major and Mrs. Cooper. In the case referred to in paragraph 217, the 10 remaining members of the family were forced to live in a tent provided by the Red Cross, and the son, who was under administrative detention, was moved to another prison thus making visits difficult.

221. The sealing-off of the home and office of a Nablus lawyer accused of security offences was reported in The Jerusalem Post on 11 February 1976.

222. The demolitions in a village near Nablus of the houses of two Palestinians suspected of membership in an organization involved in sabotage activities were reported in The Jerusalem Post of 25 August 1976. The report also stated that another two houses belonging to members of the same organization had been sealed up.

223. Mrs. Langer stated that under Regulation 119 of the Defence (Emergency) Regulations, 1945, mere suspicion that a person was involved in violent acts constituted grounds for a decision to demolish his house. Demolitions could be carried out without prior notice, except for a warning to clear the area. Since the demolition was an arbitrary act carried out immediately, there was no legal procedure involved and the victim had no recourse to the courts.

224. The expulsion of two Palestinian leaders was reported in the Israeli press on 26 March 1976. One of these persons, Dr. H. Natsheh, appeared before the Special Committee during its meetings in June 1976 and his lawyer, Mrs. Langer, appeared before the Special Committee during its meetings in July 1976. Both testified that the expulsion of Dr. Natsheh was put into effect in spite of the request for an injunction to stay the order and the protest of the judge against such action. Mrs. Langer informed the Special Committee during her appearance before it in July 1976 that her request to Defence Minister, Mr. S. Peres, for an annulment of the expulsion order resulted in a negative response.

225. The policy of offering expulsion as an alternative to a long prison sentence, as in the case of Abdul Haziz Zidan, who had been held in detention in Hebron prison, was described by Major and Mrs. Cooper.

226. The reports of the detention of persons without charge or trial; 37 persons were reported held in administrative detention, according to a statement by the Defence Minister, Mr. Peres, in the Knesset was reported in The Jerusalem Post on 22 January 1976.

227. The description was given by Dr. Natsheh of the case of three Palestinian youths who were kidnapped by Jewish settlers from the settlement of Kiryat-Arba, locked in an enclosure stripped of their clothes, and left to wild dogs who attacked them. Dr. Natsheh stated that in such cases families are afraid to seek treatment for fear of further repressive acts by the Israeli authorities.

228. Dr. Natsheh also confirmed the death of the following persons during the disturbances in Hebron in March 1976: Medan Hassad Abumile, aged 34, who was severely beaten and later died in Hadassah Hospital of compound fractures and internal haemorrhage and Ahmed Dadhoul, a recently-released administrative detainee, aged about 50, from Salfit, who was beaten by the security forces while being taken to Tulkarm for interrogation, and who also died of fractures and internal haemorrhage as a result of the beating.

229. The death of a former administrative detainee from Nablus after being brutalized by Israeli troops was reported in The Jerusalem Post and Ha'aretz on 24 March 1976 and again in Ha'aretz on 30 March 1976.

230. The death of another Palestinian from wounds inflicted on him by Israeli soldiers was reported in The Jerusalem Post and Ha'aretz on 26 March 1976.

231. The alleged ill-treatment of an East Jerusalem resident /Mustapha El-Kurd/ was reported on 2 March 1976 and 28 April 1976.

232. The firing of a rocket at the city of Jerusalem was reported in the International Herald Tribune on 8 April 1976.

233. The practice was referred to by Mrs. Felicia Langer whereby Israeli soldiers intimidate Palestinian civilians. An example of these methods is breaking into homes and beating up young people. One such incident which occurred on 18 March 1976 and witnessed by Mrs. Langer concerned a young boy from Halhul who was being severely beaten and ill-treated by Israeli soldiers. The soldiers had broken into the boy's home, interrupted the family meal and taken him away. The boy was eventually taken to Hadassah Hospital by Mrs. Langer, where he was treated for concussion and bruises.

234. The description given by Mrs. Felicia Langer of the ill-treatment of Lutfiya El-Hawari and Ziad El-Assa is contained in paragraphs 100 and 102 above.

3. Pattern of mass arrests, trials and convictions

235. The sentencing 12/ of a Nablus civilian to 20 years' imprisonment was reported in Ma'ariv on 3 October 1975.

12/ The sentences given in this section are generally imposed for violations of the Security Instructions, 1967, and the Defense (Emergency) Regulations, 1945, which contemplate offences ranging from contact with saboteurs to responsibility for acts of sabotage causing death or destruction.

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236. The sentencing of a Ramallah civilian to 10 years' imprisonment, was reported in The Jerusalem Post on 5 October 1975.

237. The sentencing of a Nablus civilian to 2 years' imprisonment was reported in Ma'ariv on 8 October 1975.

238. The sentencing of a Palestinian from Gaza to two life sentences plus 105 years of imprisonment was reported in Ma'ariv on 15 October 1975.

239. The sentencing of a civilian from Sinai to 25 years' imprisonment was reported in Ma'ariv on 15 October 1975.

240. The sentencing of 2 Gaza civilians to 6 years' and 2 years' imprisonment, respectively, was reported in The Jerusalem Post on 16 October 1975.

241. On 17 October 1975 the sentencing of a West Bank Palestinian to 7 years' imprisonment was reported in Ma'ariv.

242. The arrest of 3 civilians from Ramallah was reported in Ma'ariv on 19 October 1975.

243. The sentencing of 3 Nablus civilians to imprisonment, ranging from 6 months to 4 years was reported in Ma'ariv on 19 October 1975.

244. The start of a trial of 44 Palestinians from Jenin was reported in Ma'ariv on 20 October 1975.

245. The start of a trial of 6 Gaza Palestinians was reported in Ma'ariv on 20 October 1975.

246. The start of a trial of 7 Gaza Palestinians was reported in Ma'ariv on 20 October 1975.

247. The sentencing of 6 persons from Gaza to imprisonment from 5 years to 135 years was reported in Ma'ariv on 21 October 1975.

248. The sentencing of 7 persons (from the group of 44 referred to in para. 244 above) to imprisonment ranging from 5 months to 2 years, was reported in Ma'ariv on 21 October 1975.

249. The sentencing of 4 persons from Nablus to imprisonment ranging from 5 years to life was reported in Ma'ariv on 21 October 1975.

250. The sentencing of 2 young women from Tulkarm to 2 years' imprisonment each was reported in Ma'ariv on 23 October 1975.
251. The sentencing of 3 persons from a refugee camp near Jenin to 2 years' imprisonment was reported in Ma'ariv on 28 October 1975.
252. The arrest of 5 persons from Jerusalem was reported in Ma'ariv on 29 October 1975.
253. The sentencing of a Jenin civilian to 15 years' imprisonment was reported in Ma'ariv on 29 October 1975.
254. The filing of an indictment against 3 female Palestinians was reported in Ma'ariv on 31 October 1975.
255. The arrest of 5 persons from Irtas was reported in Ma'ariv on 2 November 1975.
256. The sentencing of an Israeli Arab to 15 years' imprisonment was reported in Ma'ariv on 4 November 1975.
257. The start of a trial of 16 persons in Nablus was reported in Ma'ariv on 5 November 1975.
258. The sentencing of 6 persons from Gaza to imprisonment ranging from 4 years to 20 years was reported in Al-Hamishmar on 5 November 1975.
259. The sentencing of 4 civilians in Nablus to 15 years to life imprisonment was reported in Ma'ariv on 12 November 1975.
260. The arrest of 10 pupils, all under 18 years of age, in Ramallah after demonstrations in that town was reported in The Jerusalem Post on 12 November 1975.
261. The summary trial of 100 secondary school students in Ramallah and the imposition of fines ranging from \$1 1,000 to 3,000 was reported in Ha'aretz on 12 November 1975.
262. The arrest of 13 pupils from Nablus after demonstrations in that town was reported in Ma'ariv and The Jerusalem Post on 14 November 1975.
263. The summary trial in the West Bank military court of 18 secondary school students and the imposition of "heavy" fines was reported in Ma'ariv on 16 November 1975.
264. The summary trial of "several dozen" civilians in Hebron after disturbances in the town was reported in Ma'ariv on 17 November 1975.
265. The arrest of a "number of young inhabitants" from East Jerusalem and Ramallah was reported in Ma'ariv on 20 November 1975.
266. The sentencing to 5 years imprisonment by the West Bank military court of a Palestinian was reported in Ma'ariv on 25 November 1975.

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267. The sentencing of a Nablus civilian to 8 years' imprisonment was reported in Ma'ariv on 25 November 1975.
268. On 2 December 1975 the sentencing of a Gaza civilian to 25 years was reported in Ma'ariv.
269. The sentencing of 11 civilians from a refugee camp near Nablus to imprisonment ranging from 3 to 8 years was reported in Ma'ariv on 7 December 1975.
270. The start of a trial of 13 Palestinians from Nablus was reported in Ma'ariv on 12 December 1975.
271. The sentencing of a Nablus civilian to 30 years' imprisonment was reported in Ha'aretz on 17 December 1975.
272. The arrest of 11 students in Nablus was reported in Ma'ariv on 18 December 1975.
273. The "preventive arrest" of an "undisclosed number" of persons was reported in The Jerusalem Post on 19 December 1975.
274. The sentencing of 3 civilians from Khan Yunis to 25 years' imprisonment was reported in Ma'ariv on 5 January 1976.
275. The arrest of 6 Palestinians from Nablus was reported in Ma'ariv on 9 January 1976.
276. The sentencing of 9 persons from Gaza to imprisonment ranging from 4 years to 16 years was reported in The Jerusalem Post and Ha'aretz on 26 January 1976.
277. The sentencing of 5 persons from Gaza to imprisonment ranging from 18 months to 2 life sentences plus 159 years was reported in The Jerusalem Post on 27 January 1976.
278. The sentencing of a Gaza civilian to 20 years' imprisonment was reported in The Jerusalem Post on 28 January 1976.
279. The arrest of 16 students and a teacher in El-Bireh was reported in Ma'ariv on 1 February 1976.
280. The arrest of 35 Gaza civilians was reported in Ha'aretz on 4 February 1976.
281. On 10 February 1976 The Jerusalem Post reported the arrest of 23 students and 1 woman from the Jerusalem area, after demonstrations in the city.
282. The arrest of "several" persons after violent riots in Nablus was reported in The Jerusalem Post on 13 February 1976.
283. The sentencing of 5 Gaza civilians to life imprisonment was reported in Ma'ariv on 13 February 1976.

284. The arrest of 40 Jerusalem Palestinians (bringing to a total of 100) after demonstrations was reported in The Jerusalem Post on 15 February 1976.
285. Mrs. Langer submitted written evidence to the Special Committee concerning the case of Gamal Abu Gharbieh, aged 22, from East Jerusalem, who was arrested on 25 February 1976 at 1.00 a.m. on suspicion that he had participated in a recent demonstration near the El-Aqsa mosque and that he had distributed an anti-Israeli leaflet. According to the report submitted by Mrs. Langer, Gharbieh was taken to the investigation office of the police station in Moscoviya prison where he was beaten and was ordered to undress and to immerse himself in muddy water. He was beaten until he fainted, put into a prison cell where he was asked by the interrogators to admit the offences with which he had been charged. Following demands by his cell-mates that he be given medical treatment, he was transferred to Hadassah Hospital, where he was examined and was then returned to the prison. Gharbieh was finally released on 3 March 1976 without having been charged. The day following his release he visited Mrs. Langer, who was able to see the marks the beatings had left on his body, and who immediately had him photographed. The photograph, as well as a medical report from the St. John's Ophtalmic Hospital in Jerusalem, were submitted by Mrs. Langer to the Special Committee. Mrs. Langer's testimony indicates that victims are afraid to report such incidents to the police for fear of further reprisals.
286. The arrest of 7 persons in Tulkarm was reported in Ma'ariv on 19 February 1976.
287. The arrest of 200 persons after riots was reported in Ma'ariv on 22 February 1976; according to a report in Ha'aretz of the same date, 170 persons were arrested.
288. The arrest of 8 youths from East Jerusalem after riots was reported in The Jerusalem Post of 17 March 1976.
289. The arrest of 100 civilians in Jerusalem after demonstrations was reported in Ha'aretz on 18 March 1976.
290. The arrest of 7 civilians at Salfit after demonstrations was reported in Ha'aretz on 30 March 1976.
291. The arrest of 16 persons from East Jerusalem, Ramallah and Nablus after demonstrations, was reported in Ha'aretz on 11 April 1976.
292. The arrest of 14 persons from Mitlun village was reported in Ha'aretz on 23 April 1976.
293. The sentencing of 4 persons from East Jerusalem and the surrounding area to imprisonment ranging from 15 months to 26 years was reported in Ma'ariv on 28 April 1976.
294. The arrest of 30 civilians from East Jerusalem was reported in Ma'ariv on 29 April 1976.

295. The arrest of a "cell" composed of an unspecified number of civilians from Nablus, Jerusalem and other towns was reported in Ha'aretz on 7 May 1976.

296. The arrest of 18 civilians from Jebeliya village and refugee camp on 12 March 1976 was reported in Ha'aretz on 12 May 1976.

297. The sentencing of a Jenin civilian to 12 years' imprisonment was reported in Ma'ariv on 12 May 1976.

298. The sentencing of a Ramallah civilian to life imprisonment was reported in Ha'aretz on 17 May 1976.

299. The sentencing of 2 persons from Gaza to 20 years' imprisonment each was reported in Ma'ariv and The Jerusalem Post on 17 May 1976.

300. The arrest of 70 Palestinians after a bus explosion was reported in Ha'aretz on 17 May 1976.

301. The arrest of 36 persons after a general strike in East Jerusalem was reported in Ha'aretz on 19 May 1976.

302. The arrest of 90 civilians from East Jerusalem during two weeks, resulting in 77 being remanded in custody for periods from 7 to 15 days, was reported in The Jerusalem Post on 21 May 1976.

303. The arrest of 15 Palestinians from a village near Hebron was reported in The Jerusalem Post on 21 May 1976.

304. The arrest of 20 persons described as "intellectuals" from the West Bank was reported in The Jerusalem Post on 30 May 1976.

305. The arrest of 50 persons in the West Bank, members of the PFLP, was reported in Ma'ariv of 12 July 1976.

306. The arrest of 46 persons from the Gaza Strip, suspected of membership in the "Forces of Liberation" group and charged with possession of arms was reported in The Jerusalem Post of 15 July 1976.

307. The number of Arab security prisoners held in Israeli jails stood at 3,200 according to a Red Cross report published by Ha'aretz on 16 July 1976.

308. The arrest of a young man from Khan-Yunis, suspected of having carried out a sabotage act was reported in Ha'aretz on 25 July 1976. The same report also referred to the arrest of 5 members of Fath from the village of Qablan in the Nablus area.

309. The Jerusalem Post reported on 26 July 1976 that Sa'id Mansur Hussein, Faruk Ismail Fida'i and Omar Ramadan, currently serving prison sentences of 15 years were convicted by the Gaza military court to sentences ranging from 6 months to 5 years for attempting to set up a Fatah cell while in prison.

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310. The arrest of 12 persons suspected of having planted a sabotage charge in Nablus was reported in Ha'aretz of 27 July 1976.

311. Mrs. Langer, who gave evidence before the Special Committee during its meetings in July 1976, stated that there was a current wave of night trials when demonstrators, usually minors, were arrested and summarily tried at night, without being given the possibility of having legal defence, and, in many cases, without notifying the parents. The children, who came from low income families, were heavily fined, and were not given the option of going to prison, so that the fines constituted an unconscionable burden on their parents. Mrs. Langer stated that, according to the law applicable in the West Bank, parents were responsible for their children's misdemeanours, and were consequently obliged to pay the fines imposed on the children. In cases where families simply did not have the money, the parents themselves were imprisoned. Mrs. Langer added that, even in Jerusalem where there was provision for minors to be tried in juvenile courts, the atmosphere at such trials was one of terror designed to deter young people from participating in anti-Israeli demonstrations or in any other way opposing the occupation. She described one such trial where it was possible for her to appear as counsel for one of the accused, only because the parents were aware that their child was being tried. The children in this case were aged 15, 12 and 9 and despite the lack of evidence that they had, in fact, participated in demonstrations, were given fines ranging from £I 1,000 to 2,000. Furthermore, the indictments were read in Hebrew, and were not understood by the children. An example of heavy fines imposed on young persons was reported in Ma'ariv on 4 August 1976 which stated that fines ranging from £I 3,000 to 5,000 were imposed by the military court in Nablus on nine young residents who were summarily tried for having participated in street rioting.

312. The arrest of about 20 young men from the northern West Bank for incitement to participate in riots was reported by Ma'ariv on 9 August 1976. The report also referred to the arrest of four people in Tulkarm for attacking a policeman and to the arrest of three men in Nablus on suspicion of having incited students to demonstrate.

313. The house arrest of a Ramallah woman, Mrs. Raymonda Tawil, for "security reasons", was reported in The Jerusalem Post of 15 August 1976.

314. The sentencing of Taleh Talebiat, Zaharan Abu Kbeita and Muhammed Shtreit, described as members of El-Fatah, by the military court in Lydda to sentences ranging from 15 years' to life imprisonment for having carried out a series of sabotage acts, was reported in The Jerusalem Post on 25 August 1976. The same report referred to the sentencing by the military court in Ramallah of Mussa Shwamra to 30 months' imprisonment for membership in El-Fatah and for having received training in arms in the Syrian Arab Republic.

315. The sentencing by the Lydda military court of three East Jerusalem high school students, Majed Jawa'd Issam Barah and Muhammad Nofal, aged from 17 to 19, was reported in The Jerusalem Post of 26 August 1976.

V. QUNEITRA

316. In resolution 3240 C (XXIX), the General Assembly requested the Special Committee to undertake, with the assistance of experts, a survey of the destruction of Quneitra and to assess the nature, extent and value of the damage caused by such destruction.

317. The Special Committee visited Quneitra on 9 September 1974 and in its report to the General Assembly at its twenty-ninth session (A/9817) it stated, for a number of reasons given in the report, that it felt "a deep-seated conviction that the total devastation could not but have taken place recently and systematically and prior to the withdrawal of the Israeli forces and that the Israeli occupying authorities were responsible for the devastation of Quneitra". Subsequent to resolution 3240 C (XXIX), the Special Committee, after examining the qualifications of a number of candidates, selected Mr. Edward Gruner and requested him to conduct a preliminary survey of the damage in Quneitra. The Special Committee examined the expert's report and recommended that the survey should be resumed and completed as soon as possible (A/10272, para. 187).

318. In resolution 3525 C (XXX), the General Assembly requested the Special Committee to continue and complete the survey. Accordingly, the Special Committee instructed Mr. Gruner to proceed with the survey; during its meetings from 16 to 20 February 1976 the Special Committee held consultations with the expert in the course of which he outlined the manner in which he proposed to conduct the survey. The Special Committee agreed that the most effective approach would be to have a house-to-house survey on the field by competent engineers. The team was to examine each structure in Quneitra, determine its position, its purpose (house, shop, etc.), type (brick, reinforced concrete, etc.), dimensions, its volume, percentage of destruction, origin of destruction (war, deliberate, other) and value. A team of four surveyors under the direction of the expert established their residence in Quneitra by the end of March 1976 and surveyed the entire area covered by the town of Quneitra, a process which lasted until the end of July 1976. Mr. Gruner visited the field on four occasions during March, April, June and July to check progress.

319. After consultations on the progress of the survey held during the meetings of the Special Committee in June and July 1976, the expert submitted his report to the Special Committee which examined it during its meetings in September 1976.

320. As instructed, Mr. Gruner presented the Special Committee with a report containing the details requested on each structure found in Quneitra and plotted on enlarged segments of the map of Quneitra; because of the bulk of the report containing data on each structure, the expert also submitted his report separately from the detail collected on the field and this is reproduced as annex III to the present report. The Special Committee is making the full report available concurrently. The house-by-house survey revealed 4,180 structures of which 4,088 were, according to the expert's findings, destroyed by deliberate action. The expert has estimated that the total value of the deliberate damage caused to Quneitra amounted to £S 463,133,694.20.

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VI. CONCLUSIONS

321. In all its reports since the first one in 1970 (A/8089, A/8389 and Add.1, A/8828, A/9148 and Add.1, A/9817, A/10272), the Special Committee stated that the main problem affecting the human rights of the population of the occupied territories had its roots in a policy followed by the Government of Israel directed towards a process of annexation of these territories. This process was shown to be the result of a number of direct or indirect measures or practices. The most serious of the direct measures has been the establishment of Israeli settlements in accordance with previously approved plans of the Government and the transfer of Israeli citizens to these settlements. The information before the Special Committee indicates that 61 settlements have so far been established in the occupied territories. A second direct measure is continued refusal by the Government of Israel of the recognition of the right to return of those persons who had fled the occupied territories during and as a result of the hostilities of June 1967. Examples of indirect measures are the excessively severe measures adopted by the occupying Power to repress all manifestations or protest against the occupation, including reprisals such as the demolition of houses and prohibition of exports of produce. In each of its reports, the Special Committee has given ample and uncontradicted illustrations of the existence of these measures and of the fact that they form an integral part of the policies and practices followed by the Government of Israel in the occupied territories. The Government of Israel has continued to follow these policies and especially that of annexation and settlement which is in contravention of the letter and spirit of the Fourth Geneva Convention. The Special Committee would draw the attention in particular to article 47 and to the concept inherent in the Convention that a military occupation is a temporary status, pending a final peace settlement ending a state of belligerence.

322. As stated by the Special Committee in its second report (A/8389), at the heart of this policy followed by Israel in the occupied territories is the so-called "homeland doctrine" annunciated by the Government of Israel and supported by parliamentary Opposition: under this doctrine, the territories occupied as a result of the June 1967 hostilities form part of the natural boundaries of the State of Israel and are not therefore considered as occupied territories within the meaning of international law. The same doctrine treats the civilian population living in these territories - the Palestinians - as being there only on sufferance. This doctrine is totally untenable and did not receive even implicit recognition in the General Assembly resolution that created the State of Israel.

323. In paragraph 47 of the same report, the Special Committee cited, by way of evidence of the existence of such a policy, the establishment by the Government of Israel of a Committee styled "Ministerial Committee for Settlements of the Territories" presided over by a Minister without portfolio, Mr. Israel Galili. Information received since then has confirmed that this body is entrusted with the formulation and implementation of the policy of the Government of Israel in settling the occupied territories. During 1976, the "Qaddum incident" proved this irrefutably. This "incident" stemmed from the establishment of a settlement west of Nablus by a group of Israeli citizens known as the Gush Emunin (described in

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reports as a political/religious group) without government authority. This settlement, established in November/December 1975 next to an Israeli Army camp, provoked a series of statements by government members, including Prime Minister Rabin, descriptive of the policy of the Government of Israel in settling the occupied territories. The Qaddum settlement was officially described as "illegal" and alternative sites in the occupied territories have been offered to the settlers who have refused to leave Qaddum because their movement is dedicated to settle in the "heart of Samaria", i.e., the northern part of the West Bank. The Qaddum settlement was still there at the time of the adoption of this report.

324. The Special Committee has followed closely the manner in which this policy of annexation and settlement is being implemented. In its second (A/8389, para. 48, p. 33) and fourth reports (A/8828, para. 91) the Special Committee noted that the Government of Israel invoked reasons of security in justification of measures taken in furtherance of this policy. In its fourth report, the Special Committee listed these measures as follows:

(a) The expulsion of persons from the occupied territories under so-called deportation orders, including professionals and local leaders, several of whom have appeared before the Special Committee;

(b) The transfer of several thousand persons from their homes to other parts of the occupied territory, as for example, the case with occupied Jerusalem and the Gaza Strip;

(c) The expropriation of property, including property belonging to persons transferred from their homes, such as the Gaza Strip (Rafah area and the Akraba area);

(d) The establishment of Israeli settlements in the occupied territory and the transfer of Israeli nationals to these settlements;

(e) Demolition of houses;

(f) Administrative detention, particularly of local leaders;

(g) The denial of the right to return to their homes of those persons who fled the occupied territory because of the June 1967 hostilities and those deported or otherwise expelled, especially as evidenced by the correspondence on the subject during June-October 1967.

325. Having regard to the fact the military occupation is in its tenth year, the Special Committee has, apart from the analytical presentation appearing in paragraphs 25 to 315 above, examined real causes which, in addition to the continuation of the occupation and its inevitable consequences, are responsible for the serious deterioration of the situation in the occupied territories. These causes are found in:

- (a) The Government of Israel policy of annexation and settlement;
- (b) The practices followed in the treatment of civilian detainees;
- (c) The resistance of the civilian population to the measures adopted to implement this policy.

326. In the following paragraphs, the Special Committee analyses the information before it in the light of these three headings.

A. The policy of annexation and settlement

327. The information received by the Special Committee shows that members of the Government of Israel - as in previous years - continue to make statements affirming government policy on annexation and settlement. These statements make repeated references to the "basic right" of Israeli citizens to settle anywhere in the occupied territories. Other statements reflect the intention of the Government of Israel to retain the areas where settlements have been established. Thus, Mr. Rabin, Prime Minister, in April 1976 stated "no settlement has been set up in order to be taken down again", and Mr. Allon, Foreign Minister, in June 1976, said that "the settlements were not established in order to be abandoned". These statements do not differ from those made by the previous Government of Israel. In its third report, the Special Committee quoted a statement by the Prime Minister, Mrs. Meir, which was reported in The Jerusalem Post on 10 October 1971, that "our borders are fixed by the people who live along them. If we retreat, the borders will retreat with us. The danger is then that somebody will fix the boundaries for us" (A/8389/Add.1, para. 11).

328. In addition to such statements confirmatory of the existence of the policy of annexation and settlement, other reports reinforced allegations of its continued implementation. Information received by the Special Committee confirms, for example, the elaboration, during this year, of a plan for the further settlement of the occupied territories and the beginnings of its execution. After announcements in November 1975 that the Jewish Agency has completed a plan for the establishment of a number of settlements over a two-year period, it was reported in April 1976 that the Ministerial Committee for Settlements of the Occupied Territories had approved a plan for 29 settlements to be established during 1976 and 1977, of which 20 were to be located in the occupied territories. This plan, reportedly discussed in early May 1976 by Mr. Galili, Chairman of the Settlement Committee, Mr. Rabin, Prime Minister, Mr. Allon, Foreign Minister and Mr. Peres, Defence Minister, was given final approval and its execution started in June 1976 with permission being granted for the setting up of one settlement in the Kfar Etzion area and another in the Latrun area.

329. This is further confirmed by such statements as that made in December 1975 by Mr. Ofer, Housing Minister, that, since the occupation, 3,859 apartments had been constructed in the occupied territories. Again in May 1976 the Director-General of the Settlement Department of the Zionist Federation (a semi-official body) Mr. Admoni, announced that 64 settlements had been established in the occupied territories since 1967.

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330. The information received by the Special Committee shows that the methods of acquisition of land in the occupied territories continue. These methods may be classified into purchase, outright expropriation and expropriation with payment of compensation. The land acquired by these means is located in areas where settlements have been established. In its fifth report, the Special Committee outlined the provisions of international law on the disposal of property in occupied territories (A/9148, sect I). Purchases are undertaken by such semi-official bodies as Land of Israel Authority and the Zionist Federation. In October 1975, there were reports of land purchases in the Nebi Samwil area (immediately outside Jerusalem and to the north) and in the Khan El-Ahmar area, east of Jerusalem. Nebi Samwil is an Arab village now lying in ruins, where, according to a plan approved in September 1972, 8,000 apartments are to be constructed (A/9148, para. 59).

331. This area has already been the subject of land purchases in previous years: the Special Committee, in its second report, referred to a statement by the Jewish National Fund spokesman in April 1971, to the effect that the Fund had been purchasing land in that area and in Jerusalem and the Kfar Etzion (south-east of Jerusalem) areas for the preceding two years. Khan El-Ahmar is on the Jerusalem-Jericho road and the site of an Israeli settlement (known as "Maaleh-Adumin") decided upon by the Government of Israel in November 1974. In its last report, the Special Committee gave details on the establishment of this settlement, including the seizure of several thousands of dunams (one dunam = 1/4 acre = 1,000 sq. m.) of land which had earlier been declared "closed areas" by the Israeli Army (A/10272, para. 78). In January 1976, the Israeli press announced the "preparation" of 650 dunams more land for settlement and authorization for the establishment of four "big enterprises". Again in November 1975, the Israeli press reported the expropriation of land in the area of Kfar Etzion that lies in the midst of the three settlements. In January 1976, land was reported to have been expropriated at Rafat, immediately south of Ramallah and north of Jerusalem. The same area, in March 1976, was the subject of land purchases involving transactions in "tens of millions of Israeli pounds" by the Jewish National Fund, another semi-official body.

332. Expropriation of land continued to take place in the Gaza Strip, according to the information received by the Special Committee. In the southern part of the Gaza Strip, this process is undertaken parallel to the eviction of the inhabitants. The process of annexation and settlement of this area was first reported by the Special Committee in its second report in 1971 when several thousand local inhabitants were relocated from the three major refugee camps in the Gaza Strip, including Rafah (A/8389, para. 48 (h)). In its subsequent reports, (A/8389/Add.1, paras. 17 to 20, A/8828, paras. 42 to 45, A/10272, paras. 41 to 45), the Special Committee noted reports reflecting the follow-up to these measures and the disclosure, in October 1972, of a detailed plan drawn up at the behest of the Defence Ministry for the establishment of a town, and, after a debate within the Government, the decision to construct a "regional centre", taken in December of the same year (A/9148, para. 68). The process of expelling the inhabitants of the Rafah area continues, according to the information received by the Special Committee. In December 1975, Mr. Toledano, the Prime Minister's Adviser on Arab

Affairs, referred to a "package deal" offered to the local inhabitants to give up their claims to land ownership, claims considered by the Government of Israel as unfounded. By March 1976, however, 22 Beduin families were still refusing money offers and had "squatted" on one of the access roads to "Yamit", the Israeli settlement in the area.

333. The information before the Special Committee shows that the process of annexing the occupied part of Jerusalem continues. In its second report (A/8389, para. 48 (d)), the Special Committee gives details of the "master plan" announced in March 1971 for the construction of housing units in occupied Jerusalem as announced by the then Housing Minister Mr. Sharef. It was reported at that time that the construction would be carried out on expropriated land of which 74 to 80 per cent belonged to Arabs. By that time, according to a statement by Mr. Kollek, Mayor of Jerusalem, 4,000 Arabs had been evacuated from Jerusalem (A/8389, para. 48 (h)). By October 1975, 160 Jewish families had moved into the Jewish Quarter in occupied Jerusalem and 400 families were expected to move in by 1977, out of the projected total of 700. During the same period, plans were reported to construct three large settlements and 10 new suburbs outside Jerusalem, in territory occupied in 1967. These settlements, according to a Housing Ministry project, were to contain a total of approximately 9,000 inhabitants in addition to a 200-villa suburb near Beit Jalla, outside Jerusalem and to the south. The Housing Minister stated in December 1975, with regard to Jerusalem, that populating Jerusalem and its surrounding areas with Jews was "a matter of high priority". He is reported as having stated that this process was being carried out as the Arab inhabitants leave. The Jerusalem Post, on 26 December 1975, reported a statement by Mr. Pelleg from the "Company for the Reconstruction of the Jewish Quarter" during a press conference: "the principal factors limiting the pace of the work has been the requirement that all building sites first be probed by archaeologists and the negotiations with Arab residents of the Quarter over compensation prior to their evacuation. Today, there are only 20 Arab families still living in the Quarter, and there are still about 70 Arab-owned shops. Some 6,000 Arab residents have been evacuated over the past 8 years. In virtually every case, say company officials, they receive sufficient compensation to enable them to exchange primitive dwellings in the Quarter for larger and more modern housing outside the walls. Of the 600 Jewish families who are to live in the reconstructed Quarter, 200 have already moved in. Another 100 are to be moved in next year and the remaining 300 families in 1977/78".

334. In addition to the above, the information received by the Special Committee shows the further development of settlements already established. For example, "Ofra", a settlement in the West Bank, established "illegally" in June 1975 and subsequently "authorized" by the Government (A/10272, para. 86) was reported to have been expanded in November 1975 by the provision of prefabricated houses. Access roads and services had been readied by that time. Similarly, a Nahal settlement (para-military) called "Gitit" in the north-eastern part of the West Bank, near the village of Akraha, was reportedly to be converted to a civilian and permanent settlement in 1976. The Israeli settlement in Hebron, known as "Kyriat-Arba", according to the information received by the Special Committee, continues to expand. The settlement, originated in 1968 and the subject of a complaint by the Government of Jordan (A/7103-S/8609) (A/8389, para. 48 (d) (viii)), and

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A/8389/Add.1, para. 12 (e)) was made "permanent" in 1971 when the "settlers", until then housed in Israeli military quarters in Hebron, were moved into a "permanent" estate for 50 families. In January 1976, the settlement reportedly housed 250 families or 1,500 persons and 750 apartments were under construction. By the end of 1976, 975 apartments were to be completed. In May 1976, there were 2,000 Israeli citizens reported in the settlement and they were said to be "demanding a master plan for their settlement and the allocation of more land". The Special Committee noted information appearing in an Israeli newspaper on 19 May 1976 stating that Arabs, encouraged by the Palestine Liberation Organization, had been constructing "unauthorized houses in areas which had been allocated for the development of Kyriat-Arba in order to hinder its expansion ...".

335. Another settlement that was the subject of information received by the Special Committee indicating its expansion is "Yamit" established in 1975 in the southern Gaza Strip in the area of the Rafah Salient. Information received by the Special Committee during 1975 was analysed in its last report (A/10272, paras. 46 to 58). Up to October 1975, 350 housing units were reported constructed and an additional 100 units authorized by the Ministerial Committee for Settlements of the Occupied Territories. Sixty-five families had moved into the settlement and 235 families were expected to move in by July 1976. It was confirmed that the main settlers were United States and Soviet immigrants.

336. The continuation of execution of plans approved in previous years was shown with regard to the Golan Heights where 18 settlements were reported to have been established by December 1975. In the same month, formal approval was announced for the establishment of four settlements in the Golan Heights. Since 1967, according to a statement by the Housing Minister, Mr. Ofer, made in December 1975, 1,547 apartments were constructed in the Golan Heights. A new settlement was reportedly established at Mazraat Quneitra in December 1975 and another settlement in January 1976 called "Ma'ale Gamla". In May 1976, 200 housing units were under construction in another settlement "Katzarin" with the settler reportedly expected to move in by summer 1977.

337. New settlements continue to be established in the Sinai, with "Nahal Haruvit" being inaugurated in December 1975. The Israeli settlement at Sharm El-Sheikh, called "Ophira", reportedly was to undergo large-scale development in 1976 and 500 families were planned to move in by 1977.

338. In all its reports, the Special Committee referred to the demolition of the villages in the Latrun Salient and to the establishment of Israeli settlements in the area.

339. In analysing the information received by it, the Special Committee took note of information that brings out a grim aspect of the policy of annexation and settlement. In 1969, Ibrahim Mustafa Ibrahim, mukhtar of Emmaus, appearing before the Commission on Human Rights Special Working Group of Experts established under Commission 6 (XXV), described the events on Tuesday, 6 June 1967 when at 3 o'clock in the morning, the Israeli Army entered Emmaus, forced the villagers to assemble and to quit the village en masse after being deprived of their belongings. The mukhtar's statement gives a detailed and grim picture of the horrors of war and the tragedy of the villagers of Emmaus, Yalu and Beit Nuba, who remain homeless refugees.

340. In stark contrast to the account of Mr. Ibrahim in 1969 stands a report appearing on 14 April 1976 in The Jerusalem Post magazine describing a new park known as "Canada Park", which had been set up on the very same site as the villages of Yalu, Emmaus and Deir Ayub. (This park was described by Major and Mrs. D. Cooper who visited it in February 1976 and who appeared before the Special Committee in June 1976 (A/AC.145/RT.73 and 74).) The Jerusalem Post magazine report is clearly oblivious of the tragedy of the people of Emmaus, Yalu and Beit Nuba when it speaks of "Canada Park ... the newest most imaginative and potentially most popular park in the country, ... on land formerly occupied by three Arab villages - Yalu, Imwas (Emmaus) and Deir Ayub - the first two destroyed after the Six Day war ... The villages were duly evacuated and razed. (Deir Ayub had been abandoned in 1948)" and of "1,500 dunams of the orchards left behind by the villagers will become principally a camping ground for Gadna and other youth groups. The remaining third of the park abuts the religious (Ezra) moshav of Mevo Horon ...".

341. In its reports, the Special Committee has shown that the policy of annexation and settlement does not manifest itself only in measures aimed at expropriation of property and establishment of settlements. Measures have been taken consistently during the occupation to discourage the civilian population from remaining in the occupied territories and at the same time refusing those who had fled or left their homes in 1967 the right to return.

B. Treatment of civilian detainees

342. The Special Committee invited Mrs. Felicia Langer to appear before it in order to describe to the Special Committee her experiences concerning the treatment of civilians who are suspected of or charged with security offences. In her lengthy and detailed testimony (A/AC.145/RT.77 to 81), Mrs. Langer addressed herself to the procedure and the practices followed by the occupation authorities in arraigning Palestinians and other persons before the military courts. Section IV, paragraphs 76 to 136 above, gives an analysis of Mrs. Langer's testimony. To a large extent the testimony of Mrs. Langer reviews a situation in which the letter of the law differs widely from its application. To a limited extent, the law purports to afford protection for persons under detention but, in reality, those safeguards are withheld by the responsible authorities. Mrs. Langer quoted several cases occurring regularly since the beginning of the occupation where practice was not consistent with avowed procedure to the detainee's detriment.

343. Mrs. Langer described the system of courts that sit in the occupied territories and the law applied by them. As mentioned in paragraph 83 above, the military courts in the occupied territories apply the Defence (Emergency) Regulations, 1945, and the various proclamations and orders issued by the military government, including the Security Instructions. Measures taken under the Defence (Emergency) Regulations are expressly prohibited by the Fourth Geneva Convention as, for example, demolition of houses of suspects and expulsion. The Special Committee has already had occasions in its first report (A/8089, paras. 57 to 60) to pronounce itself on the applicability of these regulations. In that report, the Special Committee noted that the Government of Israel applied these regulations in the West

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Bank on the grounds that they were part of the Jordanian law in June 1967. The Special Committee noted that the Government of Jordan had contested this assertion and it had contended that these regulations had been abrogated by subsequent legislation promulgated before 1967. In her testimony, Mrs. Langer referred to the fact that the inapplicability of these regulations had been raised in the military court in the West Bank during the early days of the occupation and that the court had held the regulations to be applicable.

344. In its first report the Special Committee took note of these arguments and stated that, regardless of the question of their applicability, the intrinsic validity of the regulations should be examined. The Special Committee noted that the purpose of these regulations of 1945 was to maintain order in a situation of emergency declared to be existing in Palestine which was at that time a territory under British mandate. The territories occupied by Israel as a result of the hostilities in June 1967 are governed by the Geneva Convention of 1949 relative to the protection of the civilians in time of war. This Convention is applicable in the occupied territories, inasmuch as the situation in these territories is one of military occupation.

345. The Special Committee noted that the Defence (Emergency) Regulations, 1945, could not be construed as enacted in the occupied territories nor could they be deemed, in conformity with the provisions of the Geneva Convention since, regardless of whether they are part of the Jordanian law or not they contain provisions which are at variance with several principles of humanitarian law. These principles have been almost universally accepted and recognized in international law and even being incorporated in the constitutions of most States. Inasmuch as the Defence (Emergency) Regulations, 1945:

- (a) Allow arbitrary and prolonged detention of individuals without charge or trial;
- (b) Deny persons, including those under detention, access to courts having jurisdiction over them by substituting other quasi-judicial or administrative bodies that do not offer the procedural safeguards envisaged in the Geneva Conventions and the Universal Declaration of Human Rights;
- (c) Do not allow for proper and adequate legal aid of persons under detention;
- (d) Allow for arbitrary deportation of individuals;
- (e) Allow for destruction of property as a disciplinary measure irrespective of whether the owner of such property is known to be the offender or not.

These regulations must, to this extent, be pronounced invalid and any act perpetrated under any such invalid provisions ultra vires.

346. Furthermore, the Special Committee is of opinion that any law is invalid if such law violates the provisions of the Geneva Convention. This applies to any provision, whether it exists in the Defence (Emergency) Regulations, 1945, or in the Security Instructions promulgated by the Israel Defence Forces in any occupied area, or in any other form of legislation or administrative decree concerning the occupied territories. The exceptions made by the Fourth Geneva Convention for reasons of security are limited strictly by that Convention. The Special Committee is not satisfied that, in the generalty of cases referred to it, the plea of security is valid.

347. On 9 August 1976, the Special Committee requested the views of the Government of Jordan on the question of the applicability of the Defence (Emergency) Regulations, 1945. At the time of the adoption of this report, the Government of Jordan had not yet communicated its views.

348. In her testimony Mrs. Langer referred to several instances of ill-treatment of detainees and described cases where ill-treatment was apparently inflicted at various times during detention. The Special Committee has always exercised the utmost caution in expressing itself on the several allegations of ill-treatment of detainees in the occupied territories. It has acknowledged the difficulty of establishing whether the several allegations of ill-treatment made before it were true or not. Thus in its reports the Special Committee has limited itself to stating 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" (A/10272, para. 183).

After hearing the testimony of Mrs. Langer, the Special Committee is in a position to state that civilian detainees are not afforded the protection given by the Fourth Geneva Convention and the applicable international humanitarian law. This refers both to general conditions and to particular cases. The existing arrangements with the ICRC are obviously inadequate even though that organization is to be commended on the efforts it has made, within the limits imposed by the occupying Power, on behalf of the civilian detainees.

349. The Special Committee acknowledged the delicate nature and seriousness of such charges and the difficulty of conclusive findings; there can be no doubt, however, that the existing arrangements for affording civilian detainees adequate protection have to be radically improved. It is clear to the Special Committee, for example, that the military courts' procedures do not provide adequate opportunity to establish allegations of ill-treatment. The fact that suspects are held incommunicado for as long as necessary after arrest and cannot be seen or contacted by any person - including the ICRC - except his interrogators leaves the detainees at the utter mercy of the interrogator. Many suspects are not brought to trial,

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but held for undetermined periods in custody or in administrative detention. Such detainees have no opportunity whatsoever of obtaining protection against duress; in several cases brought to the attention of the Special Committee, detainees who alleged that they were subjected to torture were held had been detained long enough - without charge of trial - to permit all signs of ill-treatment being erased. In some instances, marks of torture have been noticed by outsiders and eyewitnesses have described such cases to the Special Committee.

Mrs. Felicia Langer, who deals daily with cases of civilians accused of security offences, has described several instances where marks of violence were visible on her clients, even when they appeared before the court. The lack of protection of victims of duress is further accentuated by the difficulties faced by alleged victims who seek medical examination and certification of their physical state while their bodies still bear the marks of ill-treatment. Doctors appearing before the Special Committee have admitted frankly their reluctance to "get involved" by issuing medical certificates to such patients for fear of reprisals by the occupation authorities. In a few instances, medical certificates are issued, but even then, these are usually couched in evasive or vague terms. An example is provided in the case of one Mohammed Suleiman Atwan, that occurred in 1974, when he was 65 years of age, who alleged that he had been severely beaten during interrogation between 29 April and 4 June 1974. His poor physical state was noted by Mrs. Langer and her clerk who saw him twice during this period. A medical certificate 13/ dated 12 June 1974 states:

"Mr. Mohammed Suleiman Atwen, 65 years old, admitted to his hospital on 4 June 1974 complaining from:

- (1) epigastric pain and vomiting
- (2) headache and visual heaviness
- (3) pain in the scrotum.

These symptoms started since one week after beating.

On examination:

- the patient was completely normal, except signs of depression, epigastric tenderness, oozing of blood from the scrotum.

We kept him for about 10 days under observation but we did not find any abnormal clinical signs. But the patient was continuously complaining from visual heaviness, headache and depression; for this we advise the patient to go to a psychiatric physician and ophthalmic hospital to continue his treatment."

350. The few instances where a victim alleged of ill-treatment succeeds in obtaining certification of his physical state, his plea is regularly rejected by the military court or, in those instances where he is not brought to trial, no practical remedy exists. On the contrary, as has been stated before the Special Committee, the potential complainant is deterred from taking action for fear of reprisal by those very same authorities to whom he makes such complaints. This leaves the complainant with no recourse whatsoever. Mrs. Langer told the Special Committee that the military courts have never, to her knowledge, upheld a plea of ill-treatment; she added that this was inconsistent with the practice in Israel where the courts do uphold such pleas where they feel that a case has been made. The grounds stated by the military courts - whenever they are given - for rejecting strong prima facie cases of torture indicate the bias in the court. Mrs. Langer cited, for example, cases where the military court attributed the physical state of the accused to "self-inflicted" wounds. The nature of the wounds in some of these cases was such that it was inconceivable that any man could have inflicted upon himself merely to discredit the Israeli occupying régime.

351. The conclusion that the Special Committee draws from this evidence is that the entire question of treatment of detainees should be examined thoroughly and effectively. The indications that cases of torture have occurred and continue to occur are very strong and the international community cannot afford to connive at a continuation of such an abhorrent practice. The sporadic efforts undertaken by the Israeli authorities - far outnumbered by the serious allegations - have been shown to be insufficient; the same may be said of the ICRC's efforts which, the record shows, have not arrested the increase in the frequency of allegations of torture over the nine years since the occupation.

352. This conclusion is further strengthened by the examination of the other aspects of the treatment of detainees. Apart from the question of validity of the Defence (Emergency) Regulations, 1945, and the most serious question of torture, commented upon above, the Special Committee put a number of cases to Mrs. Langer, taken from the Special Committee's records and covering the period since the beginning of the occupation. These cases were handled by Mrs. Langer personally and were within her personal knowledge and experience. Mrs. Langer was asked to address herself to the procedures and practices followed during all stages of a civilian's detention, from the moment of his arrest until his release. From Mrs. Langer's testimony, and on the basis of the information received by the Special Committee over the years, the Special Committee is able to conclude that certain detainees are deprived of proper protection in that:

(a) They are liable to be detained on any pretext, given the vast and vague definition of offences in the Defence (Emergency) Regulations, 1945;

(b) Suspects, who may never be charged or convicted, have their houses demolished without any remedy available against such measures or indemnity even in cases where they are subsequently acquitted, as in the case of one Ahmed Ali El-Afghani from Gaza in 1975 (A/AC.145/RT 79, p. 13 et seq.) whose house was occupied by a family of 11 or in cases where the persons are innocent, as in the case of one Abou Rabaya whose house was demolished because it was adjacent to a detainee's house that was the subject of a demolition order (ibid.). Similarly, they

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may be expelled by the mere issuance of a deportation order without any grounds being given for such an order;

(c) Ordinary civilians (not necessarily suspects) may be expelled by the military authorities who - as has been seen in Dr. Natshes's case on 26 March 1976 - can defy with impunity such rudimentary judicial remedies that may be available, as, e.g., a request for a "show cause" order from the higher courts;

(d) Ordinary civilians may be picked up in a public place, detained for several months, tortured and expelled without ever having any charges brought against them, as, e.g., the case of Suleiman El-Najjab in 1974-1975. Mr. El-Najjab appeared before the Special Committee in March 1975, shortly after his expulsion (A/AC.145/RT.69). In its last report, the Special Committee limited itself to stating that the case "deserved examination to establish the facts" (A/10272, paras. 163 and 185). After hearing Mrs. Langer on Mr. El-Najjab, the Special Committee is in position to state that more facts have been established to show a strong prima facie case of torture. Mrs. Langer's statement on Mr. El-Najjab (A/AC.145/RT.78, p. 7 *et seq.*) provides strong corroborative evidence of the allegations of torture brought by Mr. El-Najjab when he appeared before the Special Committee. The Special Committee has no doubt that Mr. El-Najjab's case is one that should be investigated thoroughly;

(e) No safeguards or effective remedies exist or are available to protect detainees during interrogations immediately following their being taken into custody;

(f) Pre-trial detention may be extended without any effective remedies available to the detainee to plead successfully for non-renewal of orders of custody; no lawyer is assigned or made available at this stage;

(g) During trials in military courts, the accused persons' pleas are never upheld, however strong his case, when alleging duress; in the recent phenomenon of "instant trials", most safeguards are laid aside and the accused have virtually no opportunity of pleading their case; acquittals are virtually unknown;

(h) No appeals are possible from judgements of the military courts in the occupied territories, except for civilians from occupied East Jerusalem or for acts taking place there;

(i) Prison conditions are poor, particularly because of over-crowding. This complaint has been made repeatedly by the Special Committee in its reports and the annual report of the ICRC for 1975 states during 1975 "various approaches were made to the detaining Power on the subject of the conditions of the prisons, especially over-crowding". According to ICRC figures "just over 3,000" Palestinians from the occupied territories and from the Arab countries, parties to the Middle East conflict, are still being held in 14 prisons, seven of which are located in Israel and seven in the occupied territories (ICRC Annual Report 1975, p. 21). The Special Committee noted reports in the Israeli press of riots occurring on 6 January 1976 at Kfar Yona prison reportedly against prison conditions and again

on 2 March 1976 at the same prison, this time against solitary confinement. On 1 April 1976, prisoners at Ramle were reported on strike against prison conditions. No distinction is made between common criminals and civilians detained for security offences and those detained for political offences. Mrs. Langer informed the Special Committee that this led to serious situations as, for example, the case of one Hadda Nimr who was murdered by a prison inmate, an acknowledged murderer who had already been convicted of murdering six persons;

(j) Conditions of detention of women imprisoned for security offences are the same as those for ordinary criminals. The Special Committee received information on several cases where female Palestinian detainees were beaten by Israeli women prisoners as, for example, Abla Tahha and Lutfiya El-Hawari, mentioned in earlier reports of the Special Committee and more recently the cases of Rasmiya Odeh and Aisha Odeh, Mariam Shahshir, are still in prison and reportedly very ill. The Special Committee has received several complaints of medical conditions in the prisons to the effect that such assistance as is given is usually too little and too late. The health situation is reported to have deteriorated seriously because of the lack of prompt and adequate medical attention and this has been confirmed directly to the Special Committee by former detainees who appeared before it;

(k) Ordinary civilians may be put under administrative detention without any reason being given other than that they constitute a threat to security, and such detention, during which no charges are brought or trial takes place, may be renewed indefinitely. Persons held under administrative detention are kept in the same prisons and the same conditions as other detainees, that is as common criminals;

(l) Such procedures that may exist purporting to afford review or redress are not invoked and not effective - for example, the existence of an "indemnity committee" which is established to examine claims for compensation from the Israeli Army for damage caused by the military authorities which is not known to have ever functioned. Similarly, the "advisory committee" to review administrative detentions is known to operate against the detainee rather than in his favour so that requests to it for release from administrative detention are met with an unsubstantiated rejection or an order prolonging detention.

C. Effects of the prolonged occupation

353. The policy of annexation and settlement and the practice followed in the treatment of civilian detainees outlined in the preceding paragraphs and the continued application of measures to implement this policy has, over the years since 1967 resulted in a hardening of the resistance of the local civilian population. In its second report, adopted on 17 September 1971, the Special Committee pointed out the existence of a policy designed "to effect radical changes in the physical character and demographic composition of several areas ... by the progressive and systematic elimination of every vestige of Palestinian presence in these areas ... Such a policy will render more difficult any eventual

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restoration of the Palestinian people's property and other rights" (A/8389, para. 72). In subsequent reports, the Special Committee continued to stress this aspect of Israeli policy and the negative effect it was having on the civilian population and on the political situation as a whole. In its fifth report, the Special Committee pointed out that "the measures taken by Israel so far are not only a grave infringement of the rights of the civilian population of the occupied territories, but present the most formidable obstacle to peaceful negotiation and to a just settlement of the Middle East problem" (A/9148, para. 150). This was stated on 10 October 1973. The Special Committee continued to illustrate the deterioration of the situation in the occupied territories by giving instances of the continued occurrence of acts of sabotage resulting in the arrest of groups of persons and the adoption of measures of retaliation. In its last report, adopted on 13 October 1975, the Special Committee, in dealing with the analysis of evidence before it, commented on "the abnormal situation of the civilian population living under military occupation". It pointed out the characteristics of life in the occupied territories and referred to the description given before it by persons recently expelled, who had had "several years" experience in responsible positions in the occupied territories. The Special Committee cited reports of incidents that occurred throughout the period covered by that report which, in its view, illustrated the serious state of deterioration reached in these territories. It expressed the opinion that, by October 1975, "the predicament of the civilian population had become worse, even after due allowance is made from the abnormal conditions inseparable from a state of military occupation" (A/10272, paras. 103-136 and 178).

354. As may be ascertained from the reports referred to, the recurrence of acts of sabotage continued into 1976 and, as in the past, gave rise to numerous arrests of groups of civilians from the occupied territories. The information received by the Special Committee reflects a serious turn for the worse when in November 1975 a demonstration was reported to have been held at Bir-Zeit by students who protested against a proposal to introduce a form of self-government in the occupied territories. This was followed by demonstrations in Ramallah a few days later and, by 13 November 1975, several of the principal towns in the West Bank were the scene of demonstrations, strikes and sit-ins. This includes Nablus, Jenin, Kalkilya, Jericho and Bethlehem. Demonstrations and other disturbances were consequently reported on 1 December 1975. After a short lull, disturbances broke out again in February after the judgement acquitting eight Jewish youths who had been charged with illegally praying on Temple Mount. These demonstrations then spread to the rest of the West Bank and lasted well into May 1976 with reports of violent riots and demonstrations. The intervention of the Israeli Army provoked the death of 12 persons, some of whom were reported to have been killed after being ill-treated by Israeli troops (for example, Ahmed Halhul reported killed after ill-treatment, in Ha'aretz on 30 March 1976, and Hamdan Rumeile Tamimi reported on 26 March 1976 in The Jerusalem Post).

355. Curfews were imposed in Nablus, Jenin, Ramallah, El-Bireh, Hebron, Halhul and Tulkarm. In Ramallah and El-Bireh the curfew lasted for 10 days and in the other towns its duration varies on an average of one to two days. The Arab Jerusalem newspaper Al-Shaab was closed for 14 days and the centre of Nablus was isolated by

the construction of a metal fence. During these periods, according to the information received by the Special Committee, reports appeared of "instant trials" where several persons, running into dozens, were apprehended and charged with demonstrating and subjected to heavy fines ranging from £1,000 to 6,000. Persons appearing before the Special Committee who were present in certain areas during this demonstration testified to the brutality used by Israeli forces in suppressing demonstrations. According to reports received by the Special Committee, Israeli authorities conducted investigation of some army personnel who were alleged to have resorted to excessive force. As may be ascertained from the reports, there was hardly a single day in the occupied territories since October 1975 when there was not a disturbance in the form of a single act of sabotage or a mass demonstration. During periods when the press was not taken up with these disturbances, the pattern of periodic mass arrests, outlined already in the previous reports, continued even this year: for example, Ha'aretz reported the arrest of 35 persons on 4 February 1976, 40 from Mitlun village, reported on 23 April 1976 in Ha'aretz, 30 from East Jerusalem, reported on 29 April 1976 in Ma'ariv, and 20, reported in The Jerusalem Post of 30 May 1976.

356. In his appearance on 8 June 1976 before the Special Committee, Dr. Ahmed Aziz Natsheh, expelled on 26 March 1976, described to the Special Committee his personal experience of these events which took place prior to his expulsion. He referred in particular to an incident where three Israeli civilians, members of the Israeli settlements in Hebron, Kiryat-Arba, abducted three local young men and set dogs on them. In Hebron hospital, he cited 37 cases of dog bites that were recorded during this period. The Special Committee took note of press reports that confirmed these incidents to have taken place. Again during May, Israeli members of Kiryat-Arba were reported to have ill-treated some inhabitants of Hebron. Parallel to this state of affairs, and consistent with the pattern reflected in the preceding years, the tempo of trials and convictions continued. Apart from those persons convicted for rioting, the information received by the Special Committee reflects the continued handing down of harsh prison sentences. The Special Committee noted that regardless of the legitimacy or otherwise of these sentences, their frequency has continued unabated.

357. It is evident from the above that the situation in the occupied territories is far from that envisaged in the Fourth Geneva Convention. In several specific cases the Convention is violated, as, for example, articles 33, 47, 49 and 53. In general, the state of occupation which has endured for so long goes counter to the concept of a "temporary de facto situation" at the roots of the Fourth Geneva Convention.

358. The Special Committee has, since its first report, urged the General Assembly to assume its responsibilities and to bring the state of occupation to an end. The Special Committee has maintained that this would be the only way in which the human rights of the civilian population of the occupied territories could best be

ensured. The proposal 14/ made by the Special Committee since its first report was intended to provide a form of protection similar to that of the Protecting Power formula contained in the Fourth Geneva Convention which would better safeguard the rights of the civilian population.

359. The Special Committee's investigations have already covered a period of seven years. This report is the eighth report submitted to the General Assembly. The Special Committee has from its very inception been balked in the discharge of its mandate by the Government of Israel whose obstructionist attitude has regrettably received a surprising degree of support and encouragement from Member States of the United Nations which profess to be interested in human rights. This professed interest, however, appears to be limited to the question of alleged violation of human rights falling within the domestic jurisdiction of States. That situation must be clearly identified from the far more serious situation of people under foreign military occupation whose rights are sought to be safeguarded by the Fourth Geneva Convention of 1949. It is in this category that the population of the territories occupied by Israel as a result of the June 1967 hostilities falls. The Special Committee therefore finds it most disturbing that a section of the United Nations support an attitude calculated to prevent the enforcement of the Fourth Geneva Convention by denying to a body established by the United Nations itself -

14/ 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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the most representative organization in the world - the opportunity of investigating the condition of a people under foreign military occupation. Such an attitude and the support for it result in reducing the Fourth Geneva Convention to a dead letter. If the country whose conduct is in question is permitted to prevent an investigation of its conduct the Fourth Geneva Convention, which constitute a vital part of international law, would be brought into contempt. It is for the Members of the United Nations to consider in a conscientious manner, what the future of the Fourth Geneva Convention is to be and in particular why any country should be granted special immunity from its provisions.

360. The Special Committee's investigations has in several quarters been criticized as an exercise in propaganda engineered by a faction hostile to Israel. If this criticism is to be accepted as valid there could be no possibility of any investigation being undertaken under the Fourth Geneva Convention of 1949. The Protecting Power formula has failed in its purpose and people under foreign military occupation have been left completely helpless and at the mercy of the occupying Power. The international community has a clear responsibility to act impartially and free from all political partisanship if it is to secure the scrupulous adherence to the provisions of the Fourth Geneva Convention and ensure its efficacy.

361. The Special Committee regrets that it has been compelled to make these observations but it has been left with no alternative, except to surrender to such criticism and to accept in silence the impeachment of its integrity which is the only answer brought by the Government of Israel to the serious allegations made against it. The Special Committee must also make it clear that its mandate has been strictly limited to the investigation of policies and practices affecting the human rights of the population of the occupied territories and does not extend to the allegations of the violations of human rights elsewhere. It is for the United Nations to devise appropriate means of dealing with such other cases.

VII. ADOPTION OF THE REPORT

362. The present report was approved and signed by the Special Committee on 17 September 1976 in accordance with rule 20 of its rules of procedure.

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

(Signed) K. M'BAYE (Senegal)

(Signed) B. BOHTE (Yugoslavia)

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ANNEX I

Inventory of reference material used by the Special Committee

I. TESTIMONY OF WITNESSES

The following persons appeared before the Special Committee in open meeting: a/

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| 1. Mr. Michael Adams | A/AC.145/RT.1 and RT.76 |
| 2. Mr. John Reddaway | " |
| 3. Miss Grania Birkett | A/AC.145/RT.3 |
| 4. Dr. Moshe Machover | " |
| 5. Mr. Abraham Heilbronn | " |
| 6. Mr. Christopher Mayhew | A/AC.145/RT.5 |
| 7. Mr. Richard Slotover | A/AC.145/RT.6 |
| 8. Mrs. Leila Mantoura | " |
| 9. Dr. George Dib | A/AC.145/RT.7 and MIN.48 |
| 10. Mr. Ibrahim Al-Abid | A/AC.145/RT.8 and MIN.48 |
| 11. Prof. Peter Dodd | " " |
| 12. Mr. Halim Barakat | " " |
| 13. Mr. Ahmad Khalifa | A/AC.145/RT.9 |
| 14. Mrs. Nimate Ouieda | A/AC.145/RT.10 |
| 15. Mr. Talat Al-Tamimi | " |
| 16. Prof. Youssef Sayegh | " |
| 17. Mr. M. Rifai (Government of the
Syrian Arab Republic) | A/AC.145/RT.11 |
| 18. Mr. Sadaddin Kamal | " |
| 19. Mr. Mohamed Khair | " |
| 20. Mrs. Tayme Khasabe | " |
| 21. Mr. Mamdouh Djasem | " |

a/ A/AC.145/RT. ---- denote documents containing in extenso transcripts of records of testimony (A/AC.145/RT.1 to 41 and 58 have been issued in English only in provisional form; A/AC.145/RT.59 to 62 were issued in English, French, Russian and Spanish; A/AC.145/RT.63-69 and 71 to 81 were issued in English and French).

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22. Mr. Hussein Ma'atouk	A/AC.145/RT.12
23. Mrs. Akila Aicha	"
24. Mr. Salha Saleh	"
25. Mr. Mahmoud Fares	"
26. Mr. Ahmad Dawwas	"
27. Mr. Muhammed Nassif	"
28. Mr. Mousa Ersan	"
29. Mr. Ali Diban	"
30. Miss Nadya Nouri	A/AC.145/RT.13
31. Mr. Aboul Moughrab	"
32. Dr. Ahmad Aziz	"
33. Mr. Hamdan Khatib	"
34. Mr. Abdul Rahman Tomeh	"
35. Mrs. Najat Zindaki	A/AC.145/RT.14
36. Mr. Sabri Aboul Kader	"
37. Mr. Asad Shukairi	"
38. Mr. Aboul Aziz Diban Radhi	"
39. Mr. Ahmed Shihab Salibi	A/AC.145/RT.15
40. Mr. Hasan Muhammed Ashkar	"
41. Mr. Youssef Khaled Awad	A/AC.145/RT.16
42. Mr. Mahmoud Kasem Fa'Ouri	"
43. Mr. Muhammed Ahmed Ibrahim	"
44. Mr. Muhammed Djasem Abou-Lail	"
45. Mr. Mahmoud Khuneifis	"
46. Dr. Shawkat Shatti (Red Crescent Society - Syria)	"
47. Dr. Muwaffak-Iddin Kusbari (League of Human Rights - Syria)	"
48. Senator Anton Atalla	A/AC.145/RT.17
49. Sheikh Abdul Hamid Es-Sayeh	"
50. Mr. Nadim Zarou	"
51. Bishop John Simaan	A/AC.145/RT.18 and MIN.48
52. Archbishop Diodoros	" and MIN.48
53. Rev. Constantin Karmash	"

54.	Mr. Negib El Ahmad	A/AC.145/RT.19	
55.	Dr. Saleh Anabtawi	A/AC.145/RT.20	
56.	Mr. Ragheb A. M. Abu Ras	"	
57.	Dr. A. Abu Qoura (Red Crescent Society - Jordan)	"	
58.	Mr. Ruhi Khatib	"	and MIN.48
59.	Mr. Mustapha Mohammed Ahmed Al-Hadmi	"	
60.	Mr. Youssef Hafez Salahat	"	
61.	Mr. Ghazi Saudi (Palestinian Red Crescent Society)	"	
62.	Mr. Salim Shalil Kharsa	"	
63.	Mr. Khalil Soubhi Abou Shawish	"	
64.	Mr. Ibrahim Ebeid Abu Suhaiban	A/AC.145/RT.21	
65.	Mr. Fayez Abu Suhaiban	"	
66.	Mr. Abdul Rahman Ahmed Nasr	"	
67.	Mr. Taysur Nabulsi (Palestine Liberation Organization)	A/AC.145/RT.22	
68.	Mr. Yakub Al-Abeidi	"	
69.	Mr. Sabri Amara	"	
70.	Mr. Ismael Abu Mayaleh	"	
71.	Mrs. Abla Tahha	"	
72.	Mr. Munir Ghannam	A/AC.145/RT.23	
73.	Mr. Najeh Mohammed Isa Khattab	"	
74.	Mr. Othman Abdul Hadi Al-Aaraj	"	
75.	Mr. Abdul Rahman Najthouba	A/AC.145/RT.24	
76.	Mr. Mohammed Maraqa	"	
77.	Mr. Seif-Eddin Ismail Tayyem	"	
78.	Mr. Suleiman Moh'd Sheikh Eid	"	
79.	Mr. Mohammed Hassan Srouf	"	
80.	Dr. Kamal Malek Gobrial	A/AC.145/RT.26	
81.	Mr. Mohammed Derbas	"	
82.	Mrs. Hakmat El-Sayed Ahmed El-Dib	"	
83.	Dr. Onsi Serga	"	
84.	Dr. Shehata Habib	"	

85. Miss Eisha Awad Hegazi	A/AC.145/RT.26
86. Mr. Youssef Darwish (International Association of Democratic Lawyers)	A/AC.145/RT.27
87. Mrs. Kamilia Kamel El-Zirbawi	"
88. Mr. Menawer Soliman El-Zirbawi	"
89. Dr. Mahmoud Soliman El-Baik	"
90. Mr. Mohammed Nader Latfi	"
91. Mr. Hamdi El-Khalili	A/AC.145/RT.28
92. Mr. Mansi Salama El-Far	"
93. Mr. Soliman El-Yamani	"
94. Mr. Ismail Zikri	"
95. Mr. Moheb Hassan Hussein	"
96. Dr. Tawfik Hassan Wasfi	A/AC.145/RT.29
97. Dr. Abdul Rahman Lutajjef	"
98. Mr. Ahmed Abdullah El-Matari	"
99. Mr. Abdel Rehim El-Damarani	"
100. Mr. Rabei'a El-Sherif	"
101. Mr. Mohammed Sha'aben El-Kasari	"
102. Mr. Eid Mohammed Abdel Wahab El-Nahb	"
103. Mr. Soliman Fisal Abdel Malek	A/AC.145/RT.30
104. Mr. Salem Aly El-Hersh	"
105. Mrs. Mansi Salaman El-Far	"
106. Mr. Abdil Wahab Hussein El-Sherif	A/AC.145/RT.31
107. Mr. Ismail Rashid Yakub	"
108. Miss Hode El-Abd El-Hessy	"
109. Mr. Mohammed El-Abd El-Hessy	"
110. Mrs. Ghalia Mohammed Housayen	"
111. Mr. Mohammed Salem Mohammed	"
112. Mrs. Sabha Soliman Amira	"
113. Mrs. Narges Mohammed Ibrahim	A/AC.145/RT.32
114. Mr. Eid Mohammed Ibrahim El-Maraby	"
115. Mr. El-Yamani Ahmed Hassan	"
116. Mr. Deif Alla Ali Koulieb	"

117. Mr. Abdulla Gabril Ebeid	A/AC.145/RT.32
118. Mr. Houssa Eish Ibrahim	"
119. Mr. Houssa El-Jayoussi	"
120. Mr. Said Ali Abdul Ghani	"
121. Mr. Nabil Omar Abdul Samat Kandil	"
122. Mr. Mohammed Gat Ahmed Said	"
123. Mr. Mohammed Abdu Is-Sayed Abd	"
124. Sheikh Souliman Moussa Ibrahim	A/AC.145/RT.33
125. Mr. Darwish Mustafa El-Far	A/AC.145/RT.34
126. Mr. Gamal Hassan Ayesb	"
127. Prof. Ezzeddin Foda	A/AC.145/RT.35
128. Dr. Fayez Sayegb (Government of Kuwait)	"
129. Dr. Ahmed Khalil (Government of the United Arab Republic)	"
130. Mr. Claude Pilloud (International Committee of the Red Cross)	A/AC.145/RT.36
131. Mr. Gideon Weigert	A/AC.145/RT.37
132. Mr. Louis Velleman	A/AC.145/RT.38
133. Mr. Joseph Abileah	A/AC.145/RT.40/41
134. Mr. Abdul Fattah Mohammed Saleb Awad	A/AC.145/MIN.42
135. Mr. Mohammed No'Man Rimawi	"
136. Mr. Suleiman Mohammed Abu Tair	A/AC.145/MIN.43
137. Mr. Eid Odeh Ma'Ayouf	"
138. Mr. Abdul Salam Hassan Tamimi	"
139. Mr. Mohammed Ali Omar Abu Bakri	A/AC.145/MIN.44/Add.1
140. Mr. Said Abdallah Dali	A/AC.145/MIN.45
141. Mr. Saleb Nofal	"
142. Mr. Hassan Abdul Hadi Ihmaid	"
143. Mr. Abdulasis Fayez	"
144. Mr. Arafat Hijazi	A/AC.145/MIN.46
145. Mr. Saber Mohammed Abdul Latif	"
146. Dr. Carlos Dhimis	"
147. Mr. Mohammed Abu Daich	"

/...

148. Mr. Ahmed Mohammed Elayyan	A/AC.145/MIN.46
149. Mr. Fathi Mahmoud Shabaneh	" / and Add.
150. Sheikh Ass'ad Bayyoud Tamimi	A/AC.145/MIN.46
151. Mr. Mahmoud Athman Aloul	A/AC.145/MIN.47
152. Mr. Omar Said Salman Al-Akhras	"
153. Mr. Mahmoud Mohammed Ibrahim Idwan	"
154. Mr. Ghazi Saudi	"
155. Mr. Ahmad Houdhod	A/AC.145/MIN.48
156. Miss Youssa Abou Tahoun	"
157. Mr. Mohammed Kamal	A/AC.145/MIN.50
158. Mr. Sabri Jiryis	"
159. Mr. Moayyad El-Bahsh	"
160. Sheikh Taher Shabana	A/AC.145/MIN.51
161. Mr. Taysir Kuba'a	"
162. Mr. Mohammad Hassan El Shorbag	"
163. Mr. Abdu Kadu Salem	"
164. Mr. Saad Radwan El Jabbour	"
165. Mr. Saleh Mohammed Arada	"
166. Mr. Mohammed Khamis Atia Aiesh	"
167. Mr. Namoun Izat Tenhaki	"
168. Mr. Ibrahim Abdul Rahman Dib Rajab	"
169. Mr. Rajeh Mohammed Mohammed Ghobn	"
170. Mr. Hamdi Khalil Mahmoud Kassab	A/AC.145/MIN.52
171. Mr. Ahmed Tawfik Mahmoud Rashid	"
172. Mr. Ibrahim Mohammed Nabahin	"
173. Mr. Ibrahim Mohammed Abdel Nabi Al-Hindawi	"
174. Mr. Shafik Eshtiwi	"
175. Mr. Israel Shahak	A/AC.145/RT.58
176. Dr. Walid Kamhawi	A/AC.145/RT.59
177. Mr. Abdul Jawad Saleh	A/AC.145/RT.59 and 60
178. Mr. Hussein Gaghoub	A/AC.145/RT.60
179. Mr. Dameen Hussein Oudeh	"

180. Mr. Abdul Mohsen Abu Meizer	A/AC.145/RT.61
181. Mr. Arabi Musa Awwad	"
182. Mr. Hamzeh Younis	"
183. Mr. Jiries Awwad Qawwas	"
184. Mr. Ibrahim Abu Naab	"
185. Dr. Mohammed Khalid	A/AC.145/RT.62
186. Mr. Muhammed Hasan Shureihi	"
187. Mr. Kassem Ayyoub Hamadeh	"
188. Mr. Yousef Muhammed Abdullah Hourani	"
189. Mr. Faer Tamrouk	A/AC.145/RT.63
190. Mr. Suhdi Shkay	"
191. Mrs. Wadad Nassif	"
192. Col. Najah Hamso	"
193. Dr. Hanna Musa Nasir	A/AC.145/RT.64 and 65
194. Dr. Mustapha Mulhim	A/AC.145/RT.65
195. Dr. Alfred Toubassi	A/AC.145/RT.66
196. Mrs. Lutfiya Ibrahim El-Hawari	A/AC.145/RT.67 and 68
197. Mr. Ahmed Jamal	A/AC.145/RT.68
198. Mr. Suleiman Rashid Al-Najab	A/AC.145/RT.69
199. Dr. Ahmad Hamzi Natsheh	A/AC.145/RT.71 and 72
200. Major George Derek Cooper	A/AC.145/RT.73 and 74
201. Mrs. Pamela Cooper	A/AC.145/RT.73 and 74
202. Mr. Ignatius Desmond Sullivan	A/AC.145/RT.75
203. Mrs. Felicia Langer	A/AC.145/RT.77, 78, 79, 80 and 81

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3. Photographs submitted by persons appearing before the Special Committee.

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ANNEX III

Quneitra

Report on nature, extent and value of damage

Edward Gruner
(Basle)

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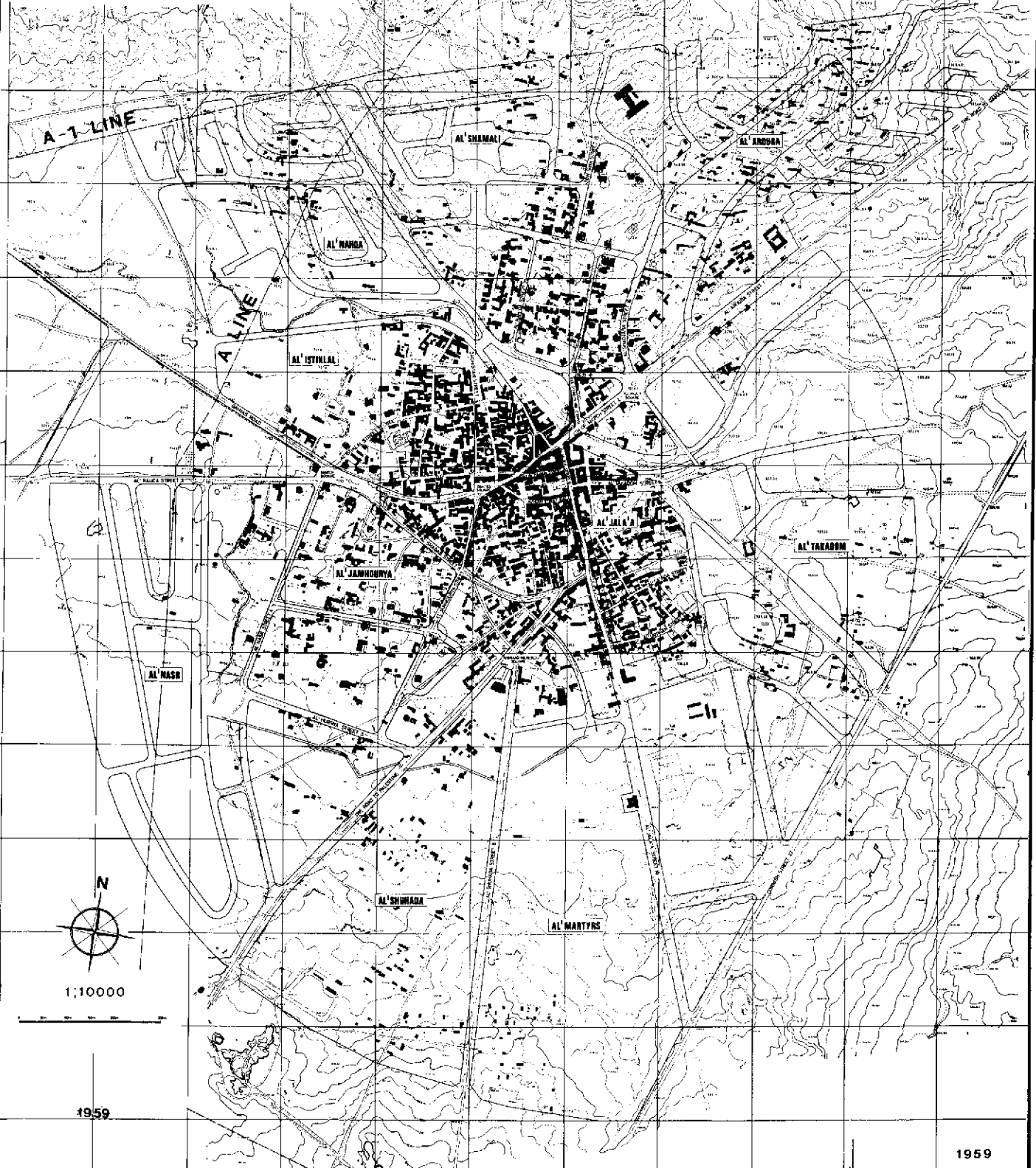
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SYRIAN ARAB REPUBLIC
QUNEITRA
GOLAN PROVINCE

GRUNER SA
CONSULTING ENGINEERS
BASLE
SWITZERLAND

القنيطرة

الجمهورية العربية السورية



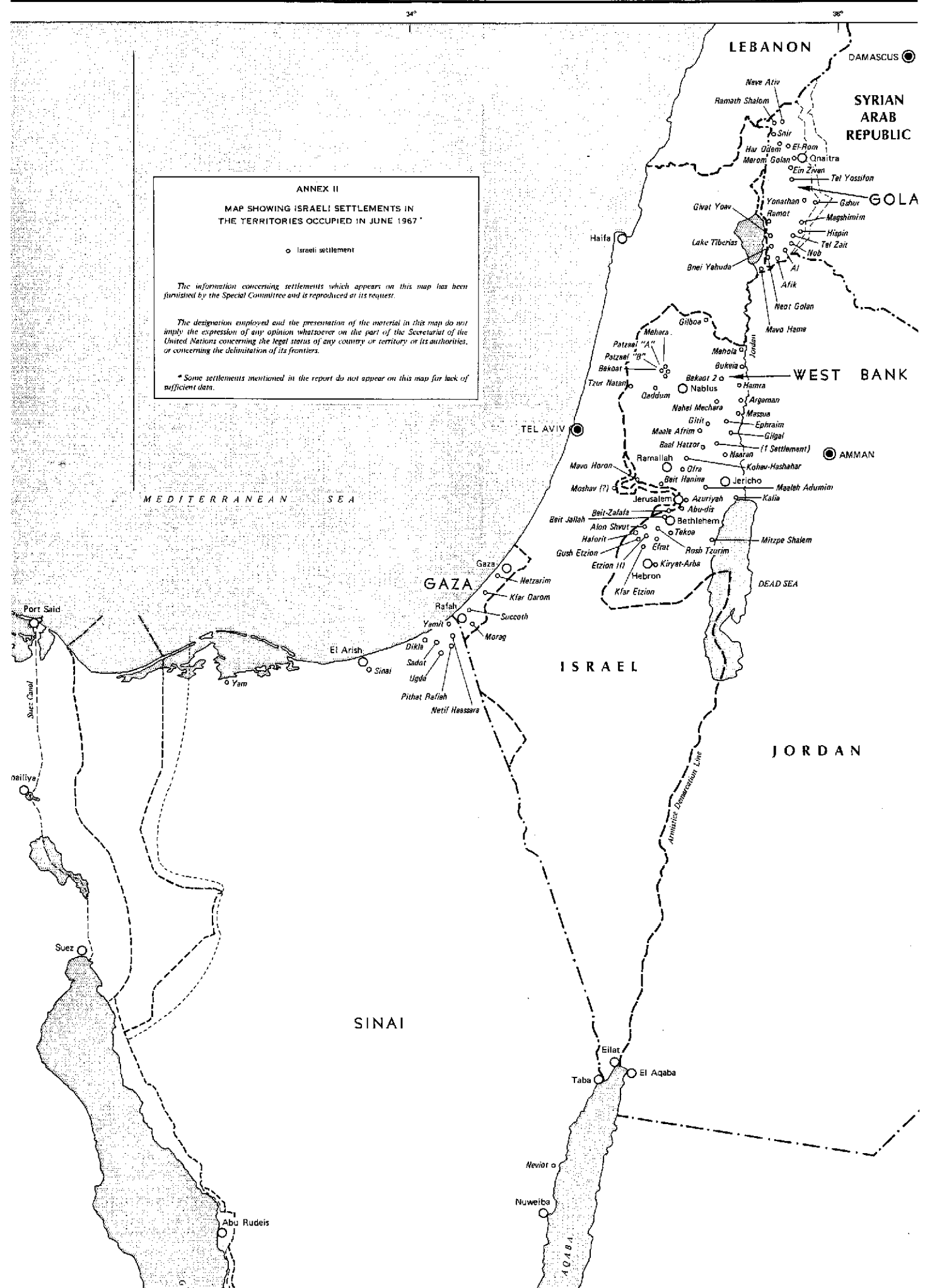
ANNEX II
MAP SHOWING ISRAELI SETTLEMENTS IN
THE TERRITORIES OCCUPIED IN JUNE 1967

○ Israeli settlement

The information concerning settlements which appears on this map has been furnished by the Special Committee and is reproduced at its request.

The designation employed and the presentation of the material in this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or its authorities, or concerning the delimitation of its frontiers.

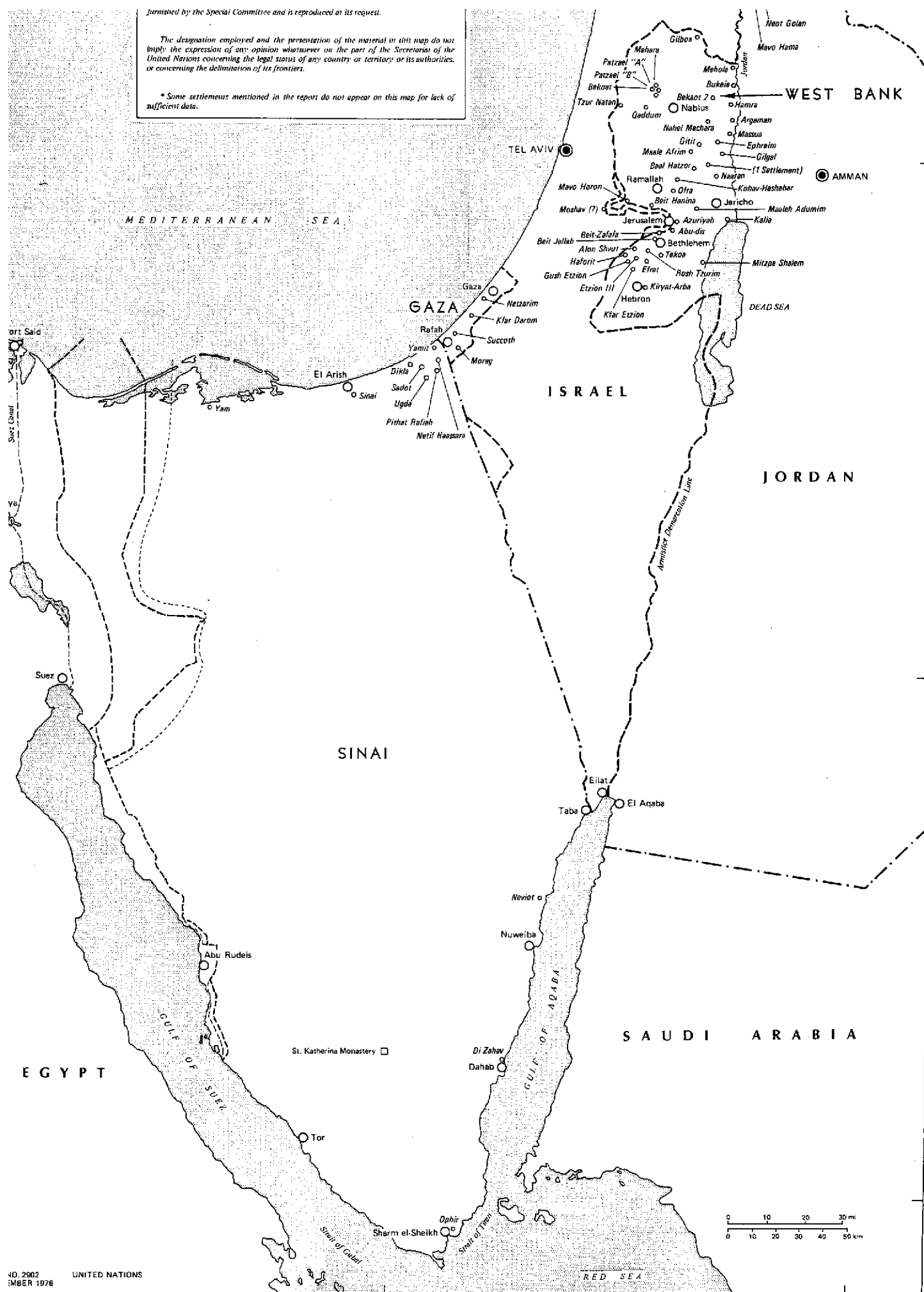
* Some settlements mentioned in the report do not appear on this map for lack of sufficient data.



Furnished by the Special Committee and is reproduced at its request.

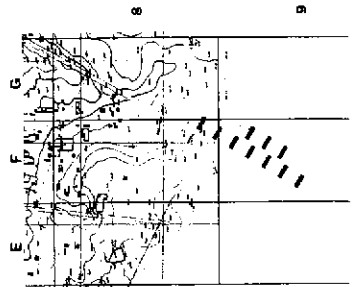
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* Some settlements mentioned in the report do not appear on this map for lack of sufficient data.



SYRIAN ARAB REPUBLIC
QUNEITRA
 GOLAN PROVINCE

ORIGIN: EA
 COMBINED: ENGINEERS
 BASE: 1
 SWITZERLAND



1:100000

1964

I. PREAMBLE

1. My services as Expert were called upon in the implementation of a request made by the General Assembly in its resolution 3240 C (XXIX) of 29 November 1974.

It says:

2. "The General Assembly

...

"Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in particular section V, concerning the destruction of the town of Quneitra,"

...

" - 3. - Requests the "Special Committee of Three" 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."

" - 4. - Requests the Secretary-General to make available to the "Special Committee of Three" all necessary facilities in the performance of its task and to report to the General Assembly at its Thirtieth Session."

3. I was asked on 15 September 1975 to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage.
4. I stayed in the Syrian Arab Republic from 21 until 26 September 1975 and visited Quneitra twice. I then proceeded to New York, where I submitted my report R. 2400-001 of 29 September 1975 to the "Special Committee of Three".
5. I there conclude as follows:

...

"(5-3) A detailed report on the causes of destruction and the estimate of cost for the reconstruction of Quneitra to the size required for the resettlement of its population and the continuation of its previous functions, necessitates a surface-survey by an international team of four to eight surface-surveyors and quantity-surveyors helped by local personnel. This might be done as a second phase of my mission."

6. The General Assembly considered the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories at its Thirtieth Session (A/10272) and the statement

/...

of administrative and financial implication set out in (A/C.5/1751) of 9 December 1975. It requested the "Special Committee of Three" by resolution 3525 C (XXX) to continue its efforts to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction.

II. MANDATE

A. Definition of the Task

1. I was again asked on 8 March 1976 to assist, as Project-Leader, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in implementing the request made by the General Assembly in its resolution 3525 C (XXX) of 1975.
2. My assignment has been to undertake a survey of destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction.
3. In order to carry out this assignment I undertook to send a Survey-Team, composed of a senior graduate civil engineer, to act as Team-Leader, of two Surveyors and one Quantity-Surveyor, to the site.
4. The team had to survey the damage in the town of Quneitra and to record damage to structures, exclusive of streets, infrastructure of the town and furniture.
5. The survey on site was scheduled for the period between April and July 1976.
6. I undertook to visit the Survey-Team once a month for a period of five days and to report on the progress of the work on my return to the "Special Committee of Three".
7. I was asked to prepare a final report and to present it to the "Special Committee of Three" during its final series of meetings from 24 to 29 August 1976.

B. Qualifications

1. I was asked to provide a team to work under my over-all direction, qualified in civil engineering, ballistics and explosives.
2. The members of the Survey-Team, recruited from the office of Gruner SA, Consulting Engineers, Basle, met these requirements as follows:

GRUNER Edward, 1905, Project-Leader, Graduate Civil Engineer of the
Federal Institute of Technology, Zurich -

/...

Experience with explosives in Tunnel Construction - Major (retired)
Staff - Military Engineers, Swiss Army

- THILGES Camille, 1931, Team-Leader, Graduate Civil Engineer of the Federal Institute of Technology, Zurich -
former First Lieutenant Corps of Engineers, Luxemburg Army, NATO
- HOCH Max, 1928, Surveyor, Graduate Surveyor, School of Surveyors, Zurich -
- Ballistic-Surveyor, Artillery, Swiss Army
- LINDLAR Anthony, 1946, responsible for Quantity-Surveying, Graduate Civil Engineer of the Federal Institute of Technology, Zurich
- BERGER Peter, 1949, Draftsman, Civil Aviation, pilot license, class I, Lieutenant, Air Force, Swiss Army.

C. Execution of the Task

1. The task comprised the location and the evaluation of numerous structures, spread over a wide area and the recognition of the cause of destruction.
2. To this the Government of Quneitra supplied a map of the town, edition 1959, scale 1:2,000. Topographic facilities available at Damascus enabled the map to be enlarged to a scale of 1:500.
3. The area of the town was subdivided into rectangles.
4. A Pilot-Group searched each rectangle for structures. They marked every defined structure with a number in red paint. The surveyor, having placed his tachymeter on a fixed point, preferably on a corner of one of the rectangles, then defined the polar co-ordinates for every structure.
5. The Surveyor-Group then followed.
6. The quantity-surveyor, assisted by locally recruited labour, defined these structures with regard to size, type of construction, purpose, cause of destruction and percentage of damage. On structures surveyed, numbers in red paint were then covered by blue paint.
7. A discrepancy was observed between the field-survey and the map, edition 1959. Many structures located in the field were not shown on the map. Others are shown on the map but could not be found in the field.
8. The Government of Quneitra was then immediately asked to produce the most up-to-date map. It then supplied a map of the town, edition 1964, scale 1:2'000 on 30 June 1976. This edition is rare and parts of this copy are hardly legible.

/...

9. A comparison of the map, edition 1964, with the map, edition 1959, shows a rapid growth of the town.
10. This growth continued at a progressive rate from 1964 until June 1967, the date of occupation.
11. A comparison of field-reports with the map, edition 1964, showed an additional number of 30 per cent of structures. These had been destroyed completely, so that no trace was left in the field.
12. Aerial-photographs were available for 1955 and 1958.

D. Work Progress

1. I was introduced, together with the Team-Leader, by the Secretary of the "Special Committee of Three", to the competent personalities at Damascus, in mid-March 1976.
2. The members of the Survey-Team arrived in the Syrian Arab Republic between 11 and 25 March 1976. They were stationed at Quneitra from 5 April 1976 until their departure. They left the Syrian Arab Republic between 30 June and 28 July 1976.
3. I visited the Survey-Team from:
 - 11 Until 19 March 1976
 - 24 until 30 April 1976
 - 2 until 9 June 1976
 - 14 until 21 July 1976.
4. The four members of the Survey-Team, other personnel of Gruner SA and myself then prepared the final report at the head office at Basle.

E. Glossary

In this report, the technical terms have the following meaning:

- aerial-photograph designates pictures taken under special conditions from the air, used for topographic survey;
- azimuth is the angle between any direction and the direction for the North Pole;
- cadastre is an official record, showing the extent, value and ownership of property for taxation;

/...

- cater-pillar designates an endless articulated toothed steel band, passing round the cogged wheels of tanks, required for travel over rough ground;
- compound interest designates a calculation of interest over a period of several years, whereby the amount of annual interest is always added to the capital;
- co-ordinate designates a system of two magnitudes to define the position of a point;
- deliberate action designates damage caused by intention, aiming at the destruction of property;
- destruction by war designates damage caused by armed conflict;
- field-reports designate documents of legal status on observation made by survey in the field;
- grid designates a network of parallel lines with numbered rectangles printed on the map and serving as basis for reference;
- habitation designates the space required by a group of people - family - for living;
- house to house combat training designates an exercise of fighting with arms within the restricted space of structures;
- impact of arms designates traces left on walls by specific arms;
- mine designates a casing filled with explosives placed at the weak point of a structure;
- for orthogonal co-ordinates the magnitudes are for any point in a field, its distance measured at right angles, from a base point in a given system;
- pilot-group designates men selected to guide work by recognition of structures in the field;
- to plot indicates reporting of data, obtained from field-survey, or other source, on map;
- for polar co-ordinates the magnitudes are for any point in a field, its distance measured to a pole and azimuth with the North Pole;
- prototype of structure designates a specimen building, created to reproduce series of equivalent buildings;

- to serpentine designates the direction followed by a way leading in parallel stretches forward and backward through a field, covering its entire surface;
- shot-pattern designates a group of impacts caused by a defined use of an arm;
- structure designates anything built above or underground to serve any purpose of man;
- volumetric unit designates basic volumes which enable the calculation of construction costs;
- a unit valid for cubic metre is a fraction (for instance one third) of the unit valid for living space. The unit valid for cubic metre enables structures with different story-heights to be compared;
- a unit valid for living space corresponds to a column of space between two stories standing on a unit of surface.

F. List of Maps

The Project-Leader and the Leader of the Survey-Team received from the Senior Syrian Arab Delegates and the Government of Quneitra the following documents:

- Map of Quneitra, edition 1959
design for town planning
scale 1:2,000
on 13 March 1976
- Map of Quneitra, edition 1959
scale 1:2,000
transparent copy
on 7 April 1976
- enlargements, scale 1:500
on 7 April 1976
- Map of Quneitra, edition 1964
scale 1:2,000
on 30 June 1976
- Aerial-photograph
from 2 October 1955,
altitude 12,500 metres
above ground
on 13 July 1976
- Aerial-photograph
from 15 September 1958
altitude 6,500 metres
above ground
on 13 July 1976

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III. SITE

A. Purpose of the survey

1. The town of Quneitra, according to statistics, had 37,000 inhabitants in 1960. This information is shown in "Quneitra, Death of a Town", published by "Service Géographique de l'Armée à Damas, sous le contrôle technique du Colonel Ingénieur Marwan Dib et de M. Fayçal Hisriyé", Damascus, 1975, page 69.
2. "... Kuneitra, a city once populated by 45,000 inhabitants. A ghost city such as you have never seen. It is as if some natural catastrophe had struck it suddenly and life had stopped", from Langer, Felicia.
"With My Own Eyes" first published by the author, Tel Aviv 1974 - Copyright Ithaca Press, London, 1975, page 69.
3. The Government of Quneitra refers to a population of 53,000 for 1967. It explains that these lived in groups of five persons, on average, in 10,600 habitations.
4. This estimate would give an anticipated 4,000 structures. Many families lived in residential houses. Others lived together in extensions of old houses and some lived in apartment houses.
5. With reference to my task I instructed the members of the Survey-Team to collect in the field all relevant information and to complete them with information from maps and other sources.
6. They were required to note their findings in field-reports. These had to be sent in weekly batches to the head office for evaluation by computer.
7. All data of field-reports are reproduced in the report for reference.

B. Type of structures

1. Quneitra, a provincial town, was the centre of an agricultural area. No trace of industry was found. Most of the structures served for habitation. Many had been enlarged in the course of time. As need grew, extensions, or upper floors were annexed. This is made evident by the difference in building material and from cross-checking between measurements, taken in the field and on the map.
2. Schools are easily discernible. Some still contain the frames of benches crushed amongst debris. The school near the Great Mosque was partly built in masonry. Those in outer quarters were modern buildings of reinforced concrete.

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3. The three mosques had shown traces of different degrees of damage. The Great Mosque had the tiles of its roof taken away and its interior emptied. Daghistan Mosque was destroyed to leave no ruin, except for its minaret, which is hit by several bullets. Both were standing in the city. Al Arouba Mosque had its interior emptied. Its minaret was hit by a bullet. It stands in the north-eastern part of the town.
4. The three churches suffered various damages. The great Orthodox-Christian church in Al Shamali district had its richly decorated interior taken away. Its picture is preserved by the photographer of the Quneitra Government. The Protestant church was completely destroyed. A Christian chapel to the north of the brook in Al Shamali district is not interfered with. Its walls are marked with white crosses, a sign found as well on other structures, which were left intact. It apparently indicates exemption from destruction.
5. The Golan Hospital in the north of the town is shorn of its medical outfit and equipment. It has been used for combat training on structure, which transferred parts of it into a skeleton of concrete and masonry.
6. The big cinema in Al Nasr district has been emptied of its fittings and furniture. Even marble tiles on staircases are broken away. Its west wall is breached, thus giving access to cattle. The small cinema near Al Jala'a Square has been destroyed, except for its porch, which is damaged.
7. The Administration Building at Banya Square was shorn of doors and windows.
8. The Government Office, a historical building, south of Banya Square, has almost been completely destroyed, except for its vault.
9. There were three monuments, columns on March Square and on Al Jala'a Square. Both are destroyed. The obelisk in Al Martyrs Cemetery is still standing, but badly damaged. The lining in marble on the memorial coffin at its foot is broken away.
10. Air-raid shelters in reinforced concrete are not damaged, where underground.
11. The water supply pumping station and the pit with the intake have been destroyed. Its equipment has been taken away. It has been reconditioned to serve present requirements.
12. The water tower has been overthrown. The high level reservoir north of Al Shamali district has been left intact.
13. The engines and alternators of the electricity supply station and the switchboard, except for its frame, have been taken away.
14. Fuel stations and service stations have been destroyed, except for their subsurface tanks.

C. Destruction by war

1. Traces of fighting are visible in all districts of the town. The damage done by such actions is light, sporadic and of limited effect.
2. Splinters of bombs can be found on several roofs. They only caused scars in the surface of concrete.
3. Unexploded shells from light artillery weapons and tails of rockets can be found in all parts of the town, mainly in its eastern districts.
4. Impact of bombs exist in the walls of some structures, which are partly damaged, on some ruins and in the pavement of streets. Craters caused by heavier bombs are seldom.
5. The minarets of Daghistan Mosque and Al'Arouba Mosque were hit by shells. These were exposed targets as they might have served as platforms for observation posts. Their balconies are still accessible, as the damage to their towers and their staircases is incomplete.
6. The number of structures damaged by war action is small. None was totally destroyed. Most of these structures have afterwards been deliberately destroyed.

D. Deliberate destruction

1. Signs of deliberate destruction are various and numerous.
2. Explosive casings have been found amongst masonry debris. Reminders of cables of up to 50 millimetres diameter fitted with hooks, have been found amongst broken concrete. The parallel tracks of caterpillar chains, can be seen criss-crossing the smashed building material. Cut masonry stones from old structures have been packed into wire meshes to serve as bulwark, or for easy transport to other destinations.
3. Predominant is the destruction of structures in reinforced concrete. Different methods have been used, according to the number of storeys.
4. Most of these structures had a skeleton of reinforced concrete supporting a roof in reinforced concrete. Some structures had up to three storeys, a penthouse and a basement.
5. One storey structure has been demolished by breaking columns at mid-height, causing the roof to collapse. Central columns which had not been broken in advance, then pierced the roof. Such holes might be considered by mistake as holes caused by bomb impact.
6. Structures of more massive construction have been rammed by heavy equipment

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at mid-height. Access at this elevation was obtained from earth ramps built for such purpose to elevations of up to five metres.

7. Such ramps have even been built on rectangular axis, to attack very resistant structure at corners, simultaneously from two sides.
8. Structures in masonry have been pushed over by heavy equipment.
9. Some of the slabs of reinforced concrete have been rolled over, until the concrete shattered, whereupon the metal reinforcement was recovered.
10. Much debris, for instance in the city, can be found in furrows to make way for agriculture. Traces of many structures have therefore disappeared.
11. Some of the slabs have been displaced over some distance. A massive slab of an air-raid shelter stands upright in the vault it previously covered.
12. Sacrilege has been committed on the Christian-Orthodox cemetery and on the soldiers' cemetery. On the one, burial chapels have been broken, on the other name-plates of tombstones have been smashed.
13. The Red Crescent, painted on the roof of the Golan Hospital, was not recognized as insignia for protection.

E. Destruction for other reasons

1. Evidence shows that some structures had been ruined prior to June 1967, the date of the occupation.
2. These structures were of the former period built in masonry. They were structures of minor importance, such as barns, stables, shelters or extensions, for instance to Tsherkesse-type structures.
3. The execution of the town plan of 1959 gave rise to enlargement of streets and places which caused the removal of some structures.

IV. SURVEY

A. Symbols of computer data

Data from field-reports are processed by a computer. The symbols used for such purpose, have the following meaning:

1. The area of the town, for ease of reference, is divided by a grid into rectangles. Every rectangle is a unit. The location of such rectangles in the grid is defined by a pair of signs - a number and a letter -.

Numbers indicate co-ordinates running from west to east. Letters indicate co-ordinates running from north to south. Intervals are for numbers 400 metres and for letters 200 metres, thus enclosing rectangles with a surface of 80,000 square metres.

2. Every structure in a rectangle, whether surveyed in the field or on the map, is defined by a number. The numbering starts in the north-western corner of every rectangle and follows a line which serpentine through the rectangle to its south-eastern corner.
3. Such numbers are painted in colour on structures in the field and are shown in the report. This permits the identification of every structure.
4. Numbers are divided into groups, which indicate the source of the survey:
 - Nos. 000 to 199 stand for structures surveyed in the field;
 - Nos. 200 to 399 stand for structures measured on the map, edition 1964, owing to absence of traces in the field.
5. Numbers are shown on a transparent sheet in circles, divided by a horizontal line. Those above the line indicate structures recognized and surveyed in the field. Those below the line indicate additional structures recognized and measured on the map, edition 1964.
6. The purpose of a structure has been anticipated from the appearance of its ruin, or from information obtained from former inhabitants.
7. Structures are classified according to their purpose. Each group is assessed with its appropriate volumetric unit price.
8. The groups comprise:

house - shop - school - mosque - church - hospital - cinema - club -
administration building - historical building - container - shelter -
water supply reservoir - fuel station - service station - monument -
special objects.

9. As shops, offices, minor industries, are hardly discernible amongst the ruins, their value has been taken into account by a supplement on the unit price of houses.
10. Unit prices of structures of historical value, are increased, according to a judgement of equity.
11. Monuments and special structures have been evaluated at lump sums.
12. Design and supervision of construction has been covered by an increment of 10 per cent on unit prices.
13. Structures belong to two periods of construction which are discerned according to the building material used:
 - the former period with brick,, stone masonry, ashlar masonry;
 - the modern period with reinforced concrete.

Of the latter, two qualities are distinguishable - normal and high standard of execution.

14. Structures are of various types and have been attributed to the following classes for evaluation:
 - structures in brick or stone masonry, with roof shutters in wood, covered with mortar clay, or corrugated steel sheets;
 - structures in ashlar masonry, pointed with mortar, with roof in timber work covered with tiles and the Tscherkesse-Type;
 - structures in reinforced concrete, normal standard;
 - structures in reinforced concrete, high standard;
 - construction in steel, with walls in brick or stone masonry.
15. The volume of structures found in the field, has been defined by measurement of length, width and height of the ruins.
16. The volume of structures recognized on the map, edition 1964, has been defined by the measurement of its area, multiplied by 4.7 metres. This is the average height of structures surveyed in the field.
17. Measurements had to suit four basic types of volume: the block, the saddle, the wedge and the cone.

Complicated objects were split into elements or adapted to equivalent volumes.

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18. The evaluation of structures is, according to local practice, made on the basis of living space. Owing to variation in the height of storeys, it was found necessary to adapt the cubic metre as a volumetric unit.
 19. A scale in per cent has been used to indicate the extent of destruction. It is defined by evidence of ruins and by their value in the case of reconstruction.
 20. One third of this scale belongs to infrastructure - namely window - door - floor tiles - sanitary outfit - electric installation, while two thirds belong to its structure and roof.
 21. Total damage of a structure requires its reconstruction. Partial damage of a structure may be repaired.
 22. Three causes for damage are distinguishable:
 - war
 - deliberate action
 - other reasons.
- Some structures have not been destroyed.
23. Several structures served for training in house-to-house combat. Such damage has been caused by deliberate action.
 24. Unit prices have been defined on information collected from sources in Damascus and calculations made for prototype structures.

B. Unit Prices for Structures

Syrian pounds per cubic metre of structure

Base June 1976

Purpose	Former Period		Modern Period		
	Brick & Stone Masonry Roof in Wood	Ashlar Masonry Roof with Tiles Tscherkesse Type	Reinforced concrete Construction		Steel Structure
			Normal Standard	High Standard	
House, including Shop	140	230	230	250	150
Mosque, Church, School	140	230	250	-	
Hospital	-	-	-	400	
Cinema, Club, Administration Building	-	-	230	250	
Historical Building	-	500	-	-	
Container, Shelter, Water Supply Reservoir, Fuel Station, Service Station	-	-	200	250	

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C. Attribution of Unit Prices

Purpose code	Type of structure	Purpose and type code	Syrian pounds per cubic metre
01	House		
	brickwork, simple roof construction	011	140
	masonry of rubbles, simple roof construction	012	140
	reinforced concrete structure under construction	013	150
	reinforced concrete roof slab, walls of plastered brickwork or ashlar masonry or plastered concrete walls (normal standard)	014	230
	reinforced concrete construction, ashlar masonry, plastering and rendering (high standard)	015	250
	reinforced concrete construction, walls of brickwork, plastering and rendering (high standard)	016	250
	reinforced concrete construction, roughcast	017	200
	steel structure, walls of brickwork masonry of ashlar, joints pointed with mortar, rendering inside.	019	150
	Wood roof construction covered with tiles, Tscherkesse Type	010	230
03	Shop		
	reinforced concrete structure under construction	033	150
	reinforced concrete roof slab, walls of plastered brickwork, or ashlar masonry, or plastered concrete walls (normal standard)	034	230
	reinforced concrete construction, ashlar masonry, plastering and rendering (high standard)	035	250
	reinforced concrete construction, walls of brickwork, plastering and rendering (high standard)	036	250
	reinforced concrete construction, roughcast	037	200

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Purpose code	Type of structure	Purpose and type code	Syrian pounds per cubic metre
03	Shop steel structure, walls of brickwork masonry of ashlar, joints pointed with mortar, rendering inside. Wood roof construction covered with tiles, Tscherkesse Type	039	150
		030	230
05	School brickwork, simple roof construction reinforced concrete roof slab, walls of plastered brickwork, or ashlar masonry, or plastered concrete walls (normal standard) reinforced concrete construction, ashlar masonry, plastering and rendering (high standard) reinforced concrete construction, walls of brickwork, plastering and rendering (high standard) reinforced concrete construction, roughcast masonry of ashlar, joints pointed with mortar, rendering inside. Wood roof construction covered with tiles, Tscherkesse Type	051	140
		054	230
		055	250
		056	250
		057	200
		050	230
07	Mosque reinforced concrete roofing, walls of plastered brickwork, or ashlar masonry (normal standard) reinforced concrete construction, ashlar masonry, plastering and rendering (high standard) reinforced concrete construction, walls of brickwork, plastering and rendering (high standard) masonry of ashlar, joints pointed with mortar, rendering inside. Wood roof construction covered with tiles, Tscherkesse Type	074	230
		075	250
		076	250
		070	230

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Purpose code	Type of structure	Purpose and type code	Syrian pounds per cubic metre
09	Church reinforced concrete construction, ashlar masonry, plastering and rendering (high standard) reinforced concrete construction, plastering and rendering	095	250
		097	150
11	Hospital reinforced concrete construction, ashlar masonry, or walls of brickwork, plastering and rendering (high standard)	115	400
13	Cinema reinforced concrete construction, ashlar masonry, plastering and rendering (high standard) reinforced concrete construction, walls of brickwork, plastering and rendering (high standard)	135	230
		136	250
15	Club reinforced concrete roof slab, walls of plastered brickwork, or ashlar masonry, or plastered concrete walls (normal standard) reinforced concrete construction, walls of brickwork, plastering and rendering (medium standard) $(230 + 250) : 2 = 240$ reinforced concrete construction, walls of brickwork, plastering and rendering (high standard)	154	230
		155	240
		156	250
17	Historical Building masonry of ashlar, joints pointed with mortar, rendering inside. Wood roof construction covered with tiles, Tscherkesse Type	170	500

Purpose code	Type of structure	Purpose and type code	Syrian pounds per cubic metre
19	Monument lump sum	197	70,000.--
21	Administration Building, Police Station reinforced concrete roof slab, walls of plastered brickwork, or ashlar masonry, or plastered concrete walls (normal standard) reinforced concrete construction, ashlar masonry, plastering and rendering (high standard) reinforced concrete construction, walls of brickwork, plastering and rendering (high standard) reinforced concrete construction, plastering and rendering	214 215 216 217	230 250 250 200
23	Container, Shelter, Water Supply Reservoir reinforced concrete roof slab, walls of plastered brickwork, or ashlar masonry, or plastered concrete walls (normal standard) reinforced concrete construction, plastering and rendering	234 237	200 200
25	Fuel Station, Service Station reinforced concrete roof slab, walls of plastered brickwork (normal standard) reinforced concrete roof slab, walls of plastered brickwork (high standard) reinforced concrete construction, plastering and rendering steel structure, walls of brickwork	254 256 257 259	230 250 220 200
27	Water Tower, near Cinema lump sum	277	240,000.--
-	Structures from the Military Camp	MC	

Purpose code	Type of structure	Purpose and type code	Syrian pounds per cubic metre
20	<p>Numbers 200 to 399 are Structures that have disappeared in the field. Measured on the map, edition 1964. Average height 4.7 metres. Defined from Volume of Structures surveyed in the field, divided by Area of Structures surveyed in the field.</p> <p>Most of the missing buildings were either Structures of ashlar masonry with roofs of wood and tiles or Structures of brickwork and concrete slab. (normal standard)</p>	204	230

D. Accuracy of the Survey

1. The survey comprises an investigation in the field together with measurements on the map, edition 1964. Such work would give a complete account of the damage, if the cadastre of structures had been complete until June 1967.
2. There exists no indication of the state of the town after that shown on the map, edition 1964. This leaves a gap of time of two and a half years, until the date of occupation. The growth of the town during that period was considerable.
3. The number of structures built during this interim period, which could not be traced in the field, was calculated with a formula, based on the compound interest of capital.
4. The figure used in place of "capital" is the number of structures that had disappeared on average during the period 1959 to 1964. The factor used for "interest" is 7.5 per cent.
5. The precision of the survey varies according to the method that could be used. Greatest accuracy can be obtained from a survey in the field. A survey from the map lacks information on the numbers of storeys. Other means give less accurate surveys.

V. EVALUATION

A. Origin of damage

1. Quneitra stood on an area of 3,341,900 square metres. The district of Golan in the south of the Syrian Arab Republic depended on Damascus until 1964. It then became a Governorate, with Quneitra as its capital. Its newly established administration led to a progressive rise of population and growth of the town.
2. The map of 1959 shows an old city, surrounded by new suburbs. Its nine districts were measured in square metres, covering the following areas:

Al Nahda	245,950
Al Shamali	362,850
Al Arouba	293,050
Al Tahadom	601,400
Al Jala'a	110,600
Al Shudada (Al Martyrs)	681,400
Al Nasr	545,000
Al Jamhourya	281,650
Al Istiklal	219,950
3. Most of the structures in these districts have been destroyed. Their ruins are similar in appearance, except for differences due to building material - stone or concrete. Only structures marked with white crosses of two diagonal beams, have been left intact. Others which were part of a defence system, are still standing but have been damaged.
4. Some damage is due to war. Such damage has usually been restricted to parts of structures.
5. The majority of damage is due to deliberate action, affecting the main members of entire structures.
6. Several structures, which are still standing, have been damaged by combat training. This can be recognized from an excessive concentration of impact of arms, or from similarity amongst shot-patterns.
7. Rigid structures have been occasionally destroyed by mines. The majority of explosive material had been laid at the centre of the building. The appearance of such ruins is different from the appearance of ruins caused by artillery fire. The latter shows centres of explosion surrounded by radial scratches caused by splinters of the shell.

B. Extent of damage

1. Furniture had been taken away prior to destruction. Only some steel skeletons of school benches, some books and shoes are occasionally found under the debris. Wood work, such as doors, windows, have been dismantled, even in structures which have not been destroyed.
2. There exist practically no traces of fire, often a consequence of combat. The town was systematically destroyed by heavy equipment, as is testified from various signs, relics and evidence.
3. Total number of damaged structures:

Origin of information	Number
Field-survey	2,672
Map, edition 1964, in addition	1,333
Total number of structures recognized	4,005
Period 1965 until June 1967 number of structures calculated, in addition	175
Total number of structures in Quneitra, June 1967	4,180

C. Value of damage

Cause of Damage	Number	Syrian pounds
War	39	1,313,209.10
Deliberate action	3,913	434,168,695.20
Other causes	44	1,241,626.30
Exempt from damage	9	-
Deliberate action on structures built between 1965 and June 1967		
- no ruins found calculated at 500 cubic metres per structure		
for Syrian Pounds 230.-- per cubic metre	175	20,125,000.--
Damage to infrastructure		8,840,000.--

D. Evaluation of the infrastructure

1. The report concerns the evaluation of the structures of the town.
2. His Excellence, the Muhafez of Quneitra asked the Project-Leader at Damascus on 20 July 1976 to extend the evaluation on the infrastructure of the town.
3. This evaluation is shown as supplement.
4. As infrastructures are considered the:
 - electric energy supply system
 - water supply system
 - sewerage system
 - streets.
5. Electric energy was produced in a power station placed in the north of Al Tahadom district. Its shed, built in two phases, still contains seven foundations of diesel-engines and alternators of various size.
6. This shed is shorn of its machinery and switch board, except for the frame of the latter.

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7. The value of damage of the energy supply system is:

System	Syrian pounds
Engines and stand-by for 6,000 kilowatt, at 900.--	5,400,000.--
Transformer, grid, substations	1,800,000.--
Street lighting, 400 lamp posts, at 1,500.--	600,000.--
Work yard	200,000.--
Total, damage to energy supply system	8,000,000.--

8. The water supply system was fed by water drawn from the subsoil at a pumping station in Al Istaklal district. Its pumps were removed. The pit was destroyed.

9. The value of the damage of the water supply system is:

System	Syrian pounds
2 pumps with motor	
1 group as stand-by	150,000.--
1 pit drilled and consolidated in alluvial soil	100,000.--
Damage to the distribution system	500,000.--
Total, damage to the water supply system	750,000.--

10. The sewerage system is out of use. It is clogged in sections. Damage done to its subterraneous conduits is not visible from the surface. About 80 cast-iron pit-covers were taken away.

11. The value of the damage of the sewerage system is:

System	Syrian pounds
80 cast-iron pit-covers at 500.--	40,000.--
Cleaning of conduits	50,000.--
Total, damage to the sewerage system	90,000.--

12. The street system shows signs of wear and some craters from bombs. Damage from deliberate action is not obvious.

13. Sum of deliberate damage to infrastructure:

System	Syrian pounds
Energy supply system	8,000,000.--
Water supply system	750,000.--
Sewerage system	90,000.--
Street system	--
Total, damage to the infrastructure	8,840,000.--

VI. CONCLUSIONS

1. I was asked on 8 March 1976 to undertake a survey of destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction.
2. The survey in the field was made by a survey team of four experts, assisted by six local labourers from April until July 1976.
3. They recognized in the field 2,672 structures, measured on the map, edition 1964, in addition 1,333 structures, which had been destroyed leaving no ruins. I then defined by equity for the interim period 1965 until June 1967, 175 structures. In total 4,180 structures are damaged.
4. I inspected the work of the survey team at Quneitra four times. I then ascertained myself by observations and interpretations given by the experts, about the various effects of destruction.
5. I state, from personal evidence, that deliberate action has been the cause of destruction of 4,088 structures.
6. Its value is calculated at prices valid for June 1976. Value of damage caused by deliberate action:

Identification	Number	Syrian pounds
Structures recognized	3,913	434,168,695.20
Structures calculated for the period 1965 until June 1967	175	20,125,000.--
Infrastructure		8,840,000.--
Total, deliberate damage		463,133,695.20

VII. ACKNOWLEDGEMENTS

1. I acknowledge the assistance and help granted to me and the members of the Survey-Team by:
 - the Ministry of Foreign Affairs of the Syrian Arab Republic;
 - the Senior Syrian Arab Delegates;
 - the Office of the United Nations Development Programme at Damascus;
 - the Government of Quneitra;
 - the United Nations Disengagement Observer Forces;
 - the Officers of the Police and Inhabitants residing at Quneitra.
2. In witness herewith, I certify that this report is written in full knowledge of the survey made at Quneitra and the sum of my professional experience.

UNITED NATIONS
Division of Human Rights
The Project Leader:

(Signed) Edward GRUNER

R. 2401/0001-27
Basle, 16 August 1976
EG/Br.

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English
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PROFESSIONAL RECORD OF THE PROJECT LEADER

ANNEX

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Name	Charles Edward GRUNER
Year of Birth	1905
Nationality	Swiss
Present Function	Vice-President of Gruner SA, Consulting Engineers, Basle
Qualification	Federal Institute of Technology, Zurich Graduate Civil Engineer, 1929
Experience	<p>Since 1930 Assistant Engineer and Resident Engineer on underground work for water conduits and subsoil plants.</p> <p>Studies of worksite practice in the United States of America. Missions to West Asia, Turkey and the Balkan States. Participation in the construction of the Trans-Iranian Railway.</p> <p>Since 1948 Partner of Gruner Brothers, Consulting Engineers, Basle, with special concern to hydraulic structures and tunnel constructions. In charge of engineering delegations to India, Egypt, Syria, Iraq and Uruguay.</p> <p>1964-1967 Consultant to UNESCO, Paris, for the safety of reservoirs.</p> <p>Since 1970 Chairman of the Committee on Risks to Third Parties from Large Dams of the International Commission on Large Dams, ICOLD.</p>
Member	<p>Swiss Society of Engineers and Architects, SIA (Waldstätte)</p> <p>The Institution of Civil Engineers, London,</p> <p>F.I.C.E. - 1964, awarded Halcrow Premium</p> <p>American Society of Civil Engineers, F.ASCE, Life Member</p> <p>The Institution of Water Engineers, London,</p> <p>F.I.W.E. - Correspondent since 1949</p> <p>Institution of Engineers (India), F.I.E. (India)</p> <p>Society of former Polytechnicians, G.e.P.</p> <p>International Commission on Soil Mechanics</p> <p>Swiss National Committee of Irrigation and Drainage, past President</p> <p>Swiss National Committee on Large Dams, Member</p>
Swiss Army	Staff of Military Engineers, Major (retired)

Expert Opinion

Charles Edward GRUNER

- 1948-1953 Consultant to the Ministry of Public Works, Cairo, Egypt, for the Aswan Hydro-Electric Scheme and the Wadi Qattara Scheme.
- Since 1948 Consultant to the Major Projects Administration, Damascus, Syria, for the El-Ghab Valley Drainage Scheme, Rastane Dam, Mehardeh Dam and Acharneh Weir, Rastane Power Station and Sedjar Power Station.
- 1949-1953 Consultant to the Damodar Valley Corporation, Calcutta, India, for the Konar I Dam and Underground Power Station.
- 1952 Consultant to the Entreprise Industrielle, Paris, France, for the lining of the Malgovert Tunnel on the Upper Isère River, France.
- 1952 Consultant to the State River and Water Supply Commission, Melbourne, Victoria, for a cylindrical gate of the intake tower at Big Eildon Dam State Victoria.
- 1956-1961 Consultant to the Administración General de las Usinas Eléctricas y los Telefonos del Estado, U.T.E., Montevideo, Uruguay, for the Hydro-Electric Power Station Rincón de Baygorria.
- 1957-1962 Consultant to the Ministry of Irrigation and Hydro-Electric Power, Khartoum, Sudan, for the Sennar Hydro-Electric Scheme.
- 1959-1960 Member of a Prime Consultants Group to the Water and Power Development Authority of West Pakistan, WAPDA, Lahore, Pakistan, for reviewing the construction project of the Mangla Dam and the Hydro-Electric Power Scheme on the Jhelum River.
- 1959-1963 Consultant to the Compagnie Française d'Assurance pour le Commerce Extérieur - COFACE - Paris, France, for insurance losses of French contractors in Iraq, consequently to the crisis of Suez in 1956
Société Hersent, Paris - for the Ramadi Dam;
Groupe Dumez-Balloz - for the Dokan Dam;
Société Alsacienne de Construction Mécanique, Mulhouse - for the spinning-mill of Mossoul;
Société Fives Lille-Cail - for cement-works of Sarchinar and Hamman Al Alil;

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- 1959-1963 Sainrapt et Brice SA, Paris - for the Derbendi Khan Tunnel;
Société Ossude, Paris - for the drainage of Moussaieb;
Sir William Press, London and Société Ossude, Paris -
for the Highway Jalaula - Derbendi Khan.
- 1962 Co-ordinating Engineer to the Département des Travaux
Publics de la République et du Canton de Genève, Geneva,
Switzerland, for an urban highway.
- 1965 Consultant to Les Etablissements Billard, Paris, France,
regarding the arbitration for the construction of the
El-Mali Dam at Uskudar, Turkey.
- 1965-1968 Consultant to the Federal Court, Lausanne, Switzerland,
for the stipulation of share 102 North of the National
Highway Ecublens - Lausanne, Switzerland.
- 1966 Consultant to the Instruction Court, Visp, Switzerland,
for the dispute Werner Imseng against Swiss-boring,
regarding foundation problems of Marienhof, Saas-Fee,
Switzerland.
- 1966-1970 Member of the Review Board of Mattmark Dam, Switzerland,
as trustee of the local communities of the Saas Valley,
Switzerland.
- 1968-1970 Consultant to the Compagnie Française d'Assurance pour le
Commerce Extérieur - COFACE - Paris, France, for
insurance losses of French contractors
Entreprise Razel Frères, Paris - for the Highway
Agaro-Bedelle, Ethiopia, 90 kilometres;
Viasphalte SA, Clichy - for the Highway Safi-Aqaba,
Jordan, 187 kilometres;
Sainrapt et Brice SA, Paris - for dredging and earth-works
of the Emirate Abu Dhabi, Arabian Gulf.
- 1969 Expert Opinion for the Forces Motrices de l'Hongrin
Léman SA, Château-d'Oex, Switzerland, regarding the quality
of concrete where cracks occurred in the pressure gallery,
share 31, km 3.100 - km 3.300 between Hongrin and Veytaux,
Switzerland.

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- 1969 Expert Opinion for Dragados y Construcciones SA, Madrid, Spain, for unforeseen pressure of the territory belonging to the pressure gallery of the Hydro-Electric Power Station Kadincik, Cukurova Elektrik SA, Adana, Turkey.
- 1971 Consultant to the Compagnie Française d'Assurance pour le Commerce Extérieur - COFACE - Paris, France, for insurance loss of Viasphalte SA, Clichy - for the Highway Zarqa-Azraq, Jordan, 90 kilometres.
- 1975 Consultant to the UNITED NATIONS, Division of Human Rights, Geneva/New York, for a survey of destruction caused at Quneitra in the Syrian Arab Republic by Israeli Practice. (General Assembly, resolution 3525 C (XXX)).

Arbitration

- 1973-1974 Arbitrator in the Arbitration Court on the Construction of the Transpyrenean Tunnel between Aragnouet, France and Bielsa, Spain, in a dispute between the Franco-Spanish International Commission on the one side and Société Auxiliaire d'Entreprises - S.A.E. - Paris and Técnicas Especiales de Construcción - T.E.C.S.A. - Madrid on the other side.
