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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, for their information, 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 4 of General Assembly resolution 2443 (XXIII) of 19 December 1968.

\* Issued separately as a "sea-hed" supplement.

? Israeli practices?

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Abdul Mutlab Abu Remeile

LETTER OF TRANSMITTAL

5 October 1970

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has the honour to present herewith its report in conformity with the provisions of General Assembly resolution 2443 (XXIII).

The Special Committee has conducted its investigations in accordance with the terms of General Assembly resolutions 2443 (XXIII) and 2546 (XXIV). A major obstacle that faced the Special Committee at the very outset was the refusal of the Government of Israel to co-operate with it. The Committee was therefore not in a position to visit the occupied territories for more thorough verification of the allegations made before it. However, the Committee feels that it has achieved its purpose of ascertaining whether or not the policies and practices referred to in resolutions 2443 (XXIII) and 2546 (XXIV) are in existence in the occupied territories and the degree to which such policies and practices may be said to exist.

Within the time at its disposal the Special Committee has not been able to undertake as detailed an analysis as it would have desired of the mass of documentary material which had been presented to it in support of the allegations that the Government of Israel has engaged in policies and practices in violation of the human rights of the population of the occupied territories. The paramount need, in the Special Committee's opinion, was to secure immediate alleviation of the conditions prevailing in the occupied territories and this could be achieved only if the primary evidence available was evaluated and the Special Committee's findings on it presented with the least possible delay. The Special Committee has therefore thought fit in this, the first stage of its work, to concentrate its

His Excellency  
U Thant  
Secretary-General of the  
United Nations  
New York, N.Y.

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attention on the evidence that had an immediate bearing on the types of violation of human rights specified in the relevant Security Council and General Assembly resolutions and to report its findings on that evidence. The documentary material which has been submitted to the Special Committee tends to support this evidence. The need for a further and more thorough study of this material which the Special Committee intends undertaking because of its relevance to the entire question of the protection of human rights in the occupied territories does not therefore diminish the value of the evidence that has already been considered and on which the Special Committee has based its present findings.

The Committee held hearings in London, Beirut, Damascus, Amman, Cairo, Geneva and New York and recorded the evidence of persons who claimed to have first-hand experience of breaches of human rights. It has also examined statements made by members of the Israeli Government and other political leaders, relevant to the allegations with which the Special Committee is concerned. The Committee has thereby created a basis upon which a responsible opinion can be given.

The evidence given before the Special Committee has revealed the grim situation of the refugees living inside the occupied territories. The Special Committee visited some of the refugee camps outside the occupied territories and was deeply moved by the unhappy plight of their occupants. Not all the efforts of the relief organizations that minister to the needs of the refugees can restore to them the conditions of social stability and economic security from which they have been dislodged by war. Apart from the recommendations contained in section IV of this report, the Special Committee is of the opinion that there is an urgent need for the improvement of the lot of these refugees and displaced persons. The Committee wishes to commend the United Nations Relief and Works Agency and the other organizations, whose devotion to the cause of humanity is universally recognized, for what they are doing. It feels, however, that the activities of these organizations, in particular UNRWA, might be amplified and intensified in scope and content to ensure for the refugees a greater measure of the essential amenities of life. To that end, so far as UNRWA is concerned, it should be provided with the necessary financial and material resources.

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The Special Committee would like to observe that the cause of humanity could be even better served if, in situations such as this, organizations, whose personnel has direct experience and knowledge of events constituting relevant and valuable evidence, could see their way to modifying their present policies and make such information available, without condition, to investigating bodies.

The Special Committee has made certain recommendations in its report which it hopes would help to facilitate the termination and prevention of such policies and practices that constitute a violation of human rights.

The aim of the Special Committee's recommendations is to provide a machinery whereby the facts could be established by an independent body in order to remove the doubts that have surrounded these allegations which, if true, are of a very serious nature and, if untrue, are equally serious since they serve no purpose except to prolong and even aggravate a poignant situation.

Resolution 2443 (XXIII) requests the Special Committee to report to the Secretary-General "as soon as possible and whenever the need arises thereafter". The Special Committee, in its recommendations, proposes that it continue its work until such time as an arrangement is made that would be acceptable to all parties concerned. The Special Committee states in its report that "for this purpose the Committee would require certain facilities to enable it to keep abreast of developments in the occupied territories which have a bearing on the protection of the human rights of the population of those territories, to receive allegations and evidence of violations of those rights, to conduct studies of relevant developments as they occur, and, if necessary, to return to the Middle East for further work in execution of its mandate". Judging by its experience so far, the Special Committee would consider it necessary to have sufficient professional and other staff assigned to assist it for as long as its mandate remains in force, and to have adequate financial provision made at this stage for the contingency of a further visit by the Committee to the Middle East in 1971 of somewhat the same scope and duration as in 1970.

The Special Committee trusts that this report will be made available to the twenty-fifth session of the General Assembly of the United Nations, and would be glad if this letter could be circulated as part of the report.

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The Special Committee takes this opportunity of expressing to you and to the members of the staff of the United Nations who have been associated with it its sincere thanks for the help and co-operation which it has received.

Accept, Sir, the assurances of my highest consideration.

(Signed) H.S. AMERASINGHE

Chairman

Special Committee to Investigate  
Israeli Practices Affecting the Human Rights  
of the Population of the Occupied Territories

## I. MANDATE AND ESTABLISHMENT OF THE SPECIAL COMMITTEE

### A. Terms of reference of the Special Committee

1. The General Assembly, in resolution 2443 (XXIII) entitled "Respect for and implementation of human rights in occupied territories", adopted at its 1748th plenary meeting on 19 December 1968, 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. The General Assembly requested its President to appoint the members of the Special Committee, requested the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work, and requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The Secretary-General was requested to provide the Special Committee with all the necessary facilities for the performance of its task. The full text of resolution 2443 (XXIII) is reproduced in annex I to the present report.
2. The General Assembly in resolution 2546 (XXIV), bearing the same title, adopted at its 1829th plenary meeting on 11 December 1969, reaffirmed its resolutions relating to the violations of human rights in the territories occupied by Israel; expressed its grave concern at the continuing reports of violation of human rights in those territories; and condemned such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the territories occupied by Israel. The General Assembly urgently called upon the Government of Israel to desist forthwith from its reported repressive practices and policies towards the civilian population in the occupied territories and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations. The General Assembly requested the Special Committee to take cognizance of the provisions of resolution 2546 (XXIV). The full text of the resolution is reproduced in annex II to the present report.

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B. Developments prior to the establishment of the Special Committee

3. The President of the twenty-third session of the General Assembly died without completing the appointment of the members of the Special Committee as provided in General Assembly resolution 2443 (XXIII). On 23 May 1969 the Secretary-General drew this fact to the attention of Member States in a note verable which was circulated to the General Assembly on 28 May 1969 (A/7495). In the note verbale, the Secretary-General recalled that:

"... it had not yet been possible to complete the appointment of the Special Committee provided for in General Assembly resolution 2443 (XXIII) of 19 December 1968. The President's death has thus left unresolved the question of the appointment of the Committee, and the rules of procedure of the General Assembly do not contain any provision covering the present situation.

"In the circumstances there would appear to be only two practicable alternatives to comply with the resolution:

"1. To convene a special session of the General Assembly to provide another method for constituting the Special Committee;

"2. (a) To find a procedure which, through its acceptance by Member States, would permit the designation of one of the Vice-Presidents to undertake the appointment of the Special Committee;

"(b) Alternatively, and in line with the spirit of rule 30 of the rules of procedure of the General Assembly, to ascertain from the Government of Guatemala, if possible, who would be the Chairman of that country's delegation for the twenty-fourth session of the General Assembly, and request him to undertake the appointment of the Special Committee.

"The first alternative, that of a special session of the General Assembly, would involve considerable time, effort and expense. However, if this alternative is favoured, the special session might be brief and be attended only by members of permanent missions if its business were limited either to the designation of a Vice-President or the proposed Chairman of the delegation of Guatemala to perform the residual function of the President of the twenty-third session, or to transfer that function to the President of the special session.

"The second alternative would appear to be more convenient. If this alternative is acceptable, it has been suggested that the membership might first be consulted as to which of the sub-alternatives, namely, the designation of the leader of the delegation of Guatemala or one of the Vice-Presidents, to exercise the residual function of the President of the twenty-third session, is generally acceptable.

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"In the circumstances explained above, the Secretary-General would like to inquire whether His Excellency's Government accepts one or the other of the above alternatives, and if so which alternative is favoured.

"In view of the time that has already elapsed, the Secretary-General would be grateful for a very early reply, by letter or by telegram, not later than 10 June 1969."

4. In a communication dated 19 June 1969 (A/7495/Add.1, para. 3) the Government of Israel, with regard to the proposals contained in the Secretary-General's note verbale of 23 May 1969, stated that:

"... the initiative taken by the Secretary-General in his communication of 23 May 1969 was unwarranted. There is nothing in the Charter or in United Nations practice which required him to take such action. With all respect to the Secretary-General the suggestions made by him constituted dubious means to a dubious end. There was nothing urgent about the matter, it did not concern international peace and security, and it would amply have met the needs of the situation for the Secretary-General to have drawn the attention of the next regular session of the General Assembly to this matter, in his annual report.

"With regard to the course of action now proposed by the Secretary-General in his communication of 18 June 1969, the Permanent Representative of Israel had the honour to state as follows.

"No Member State elected as a Vice-President at the twenty-third session has any legal standing to assume functions exercised by the President. Firstly, under rule 31 of the rules of procedure of the General Assembly, the Vice-Presidents ceased to hold office on 21 December 1968. Secondly, the President himself ceased to hold office under the same rule and at the same date, and could continue to perform any function thereafter only in his personal capacity and not as President.

"The former Vice-Presidents as a group have no legal authority or standing to confer such a function on one of their number. Firstly, as already stated, they all ceased to hold office on 21 December 1968. Secondly, even during the session at which they are elected, the Vice-Presidents do not under the rules of procedure of existing practice constitute a collective body that can exercise any collective functions or take any collective decisions.

"The Secretary-General and the Secretariat have no recognized authority to convene meetings of former Vice-Presidents as a group or to act in accordance with their decisions or recommendations.

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"The opinions or preferences expressed by a number of Member States in response to the Secretary-General's note cannot confer upon the Secretary-General, upon the former Vice-Presidents collectively, or upon one of their number individually powers and functions which they do not legally and constitutionally possess.

"In the view of the Israel Government, therefore, the whole process whereby the function originally entrusted to the President of the General Assembly at its twenty-third session would now be 'delegated' to a former Vice-President is without a legal basis at any of its stages. No former Vice-President that accepts such a function will have any locus standi to discharge it, and any action taken in pursuance of such an alleged mandate will be ultra vires."

5. The procedure suggested in alternative 2 (a) of the Secretary-General's note verbale of 23 May 1969 was approved by more than an absolute majority of the Member States. A meeting of the Vice-Presidents of the twenty-third session of the General Assembly was accordingly held on 23 January 1969. At that meeting it was agreed that H.E. Dr. Luis Alvarado, Chairman of the delegation of Peru to the twenty-third session of the General Assembly, should undertake the appointment of the members of the Special Committee (A/7495/Add.2).

#### C. Establishment of the Special Committee

6. The following Member States were appointed on 12 September 1969 to serve on the Special Committee (A/7495/Add.3):

Ceylon

Somalia

Yugoslavia

7. On 3 October 1969, the Government of Ceylon informed the Secretary-General that it had nominated Mr. H.S. Amerasinghe, Permanent Representative of Ceylon to the United Nations, to represent Ceylon on the Special Committee. On 14 October 1969 the Secretary-General was informed that Mr. Abdulrahim Abby Farah, Permanent Representative of Somalia to the United Nations, was to represent Somalia on the Special Committee. On 27 October 1969 the Permanent Representative of the Socialist Federal Republic of Yugoslavia to the United Nations informed the Secretary-General that the Yugoslav Government had appointed Dr. Borut Bohte, Associate Professor of the Faculty of Law of Ljubljana University and member of the Federal Assembly of the Socialist Federal Republic of Yugoslavia, to represent Yugoslavia on the Special Committee.

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D. Organization of the work of the Special Committee

8. The Special Committee held a series of informal meetings at the Headquarters of the United Nations in New York in November and December 1969, at which it was decided to collect all evidence concerning the policies and practices of the Israeli Government affecting the human rights of the population in the occupied areas. The Special Committee agreed that it should carry out its investigation in the occupied territories and seek the co-operation of the Government of Israel to that end.

9. On 12 November 1969, the Secretary-General, at the request of the Special Committee, informed the Government of Israel by note verbale of the composition of the Special Committee. The Secretary-General requested the co-operation of the Government of Israel in the fulfilment of the Committee's mandate in accordance with General Assembly resolution 2443 (XXIII), and in particular, to receive the Committee and to facilitate its work.

10. On 2 January 1970, the Special Committee itself addressed letters to the Permanent Representatives of Jordan, Lebanon, Syria and the United Arab Republic to the United Nations, informing them of the constitution of the Committee, drawing their attention to its mandate, and requesting their co-operation.

11. The Permanent Representative of Israel replied, by note verbale dated 6 January 1970, as follows:

"The Permanent Representative of Israel presents his compliments to the Secretary-General of the United Nations, and on instructions of his Government has the honour to refer to the Secretary-General's note SO 234 (16-2) of 12 November 1969, concerning the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Secretary-General's note transmits to the Government of Israel a request from the Special Committee for co-operation in the performance of its task.

"The history of this matter has from the beginning been tainted with political bias and procedural irregularity.

"The original General Assembly resolution 2443 (XXIII) of 19 December 1968, from which the Special Committee purports to derive its authority, was denounced and rejected at that time by the Israel delegation as being discriminatory and unbalanced. It attempted blatantly to prejudge the very allegations the Special Committee was supposed to investigate; and it evaded altogether the genuine humanitarian plight of the Jewish

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communities in certain Arab countries in the Middle East region, whose human rights were being viciously trampled upon. Their situation should be the subject of United Nations concern rather than the situation in Israel-held areas which are open to the observation of tens of thousands of foreign visitors.

"It is not surprising that although this professed to be a humanitarian resolution, the great majority of United Nations Member States refused to vote for it, and it received the support only of a minority, nearly all Arab or pro-Arab States. As it was, there were procedural manipulations in the Committee stage, and confusion in the voting in the plenary. It was clear that the resolution lacked all moral validity, was a purely propaganda exercise, and did not represent the views of the responsible and impartial majority of the Members of the United Nations.

"It is recalled that by that resolution, the President of the twenty-third session of the General Assembly, the late Dr. Emilio Arenales, was requested to appoint three States as members of the Special Committee. In the four months that elapsed prior to his untimely death, Dr. Arenales was unable to complete that task. He had approached a large number of States that had abstained in the voting on the original resolution, and could, therefore, be regarded as impartial. However, they had generally refused to serve on a United Nations Committee that was to be set up under such controversial and dubious circumstances.

"In a communication to the Israel Ambassador to Guatemala on 6 March 1969, Dr. Arenales himself expressed the opinion that the establishment at that juncture of the Special Committee would add 'further causes of friction to the already tense situation in the Middle East'.

"After the death of the President of the General Assembly, the Secretary-General initiated steps to have the Special Committee appointed by other means. These steps were wholly without precedent, and in the opinion of the Israel Government, without any legal basis whatsoever. Following an unwarranted process, a meeting was called of representatives of countries that had served as Vice-Presidents at the twenty-third session of the General Assembly, but whose term of office as such had expired at the end of the session. These representatives thereupon selected one of their own number, a representative of Peru, to appoint the members of the Special Committee - the task that had been entrusted by the General Assembly to its President. The appointment of the Special Committee in this manner was ultra vires and illegal.

"In its notes of 28 May and 18 June 1969, the Government of Israel stated in unequivocal terms its own views on this series of irregular procedures.

"Unable to find nominees for a committee with any pretensions to impartiality or balance, the representative of Peru proceeded to appoint a

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committee whose composition automatically guaranteed its anti-Israel bias. One of its three members, Somalia, functions at the United Nations and elsewhere as if it were wholly within the Arab camp; it has refused to recognize the State of Israel or have relations with it. Another of the three members of the Special Committee, Yugoslavia, broke off diplomatic relations with Israel at the time of the hostilities of June 1967, and has since openly identified itself with the political positions of the Arab States. The third member, Ceylon, maintains limited diplomatic relations with Israel, but for reasons of its own has generally voted in favour of Arab resolutions at the United Nations - as it did on the aforementioned General Assembly resolution of 19 December 1968.

"If the United Nations desires to investigate the alleged 'practices' of a Member State, such a function can properly be exercised only under conditions that ensure complete objectivity, and the maintenance of quasi-judicial standards. United Nations fact-finding that does not satisfy such standards is a worthless exercise, that simply converts the Organization itself into a vehicle for propaganda and political warfare. It is regrettable that in the case of the Special Committee, as in the parallel case of the so-called Special Working Group of Experts set up by the United Nations Commission on Human Rights, the elementary safeguards that should be expected in such matters are lacking. The results of such inquiries are not worthy of credence by fair-minded men.

"For the reasons which have previously been stated, and are reaffirmed in this note, the Government of Israel is not prepared to extend co-operation or facilities to the Special Committee."

12. The Permanent Representative of Jordan replied by letter dated 7 January 1970, as follows:

"Excellency,

"I have the honour to acknowledge receipt of your letter No. SO 234 (16-2) dated 2 January 1970, concerning the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Arab Territories, and to inform Your Excellency that its contents have been brought to the attention of the appropriate Jordanian authorities.

"The Jordan Government welcomes the appointment of the members of the Special Committee and is ready to extend its full co-operation to the Committee."

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13. The Permanent Representative of Lebanon replied by letter dated 8 January 1970, as follows:

"Sir,

"I acknowledge receipt of your letter Ref. SO 234 (16-2) dated 2 January 1970 concerning the Special Committee's investigation of the Israeli violations of human rights in the occupied territories.

"I would like to assure you that the Government of Lebanon will extend its fullest co-operation to this Special Committee."

14. The Permanent Representative of Syria replied by letter dated 10 January 1970, as follows:

"Excellency,

"I have the honour to acknowledge, with thanks, the receipt of your letter No. SO 234 (16-2) dated 2 January 1970, concerning resolution 2443 (XXIII), entitled "Respect for and implementation of human rights in occupied territories", adopted by the General Assembly at its 1748th meeting on 19 December 1968, and resolution 2546 (XXIV), bearing the same title, adopted by the General Assembly at its 1829th meeting on 11 December 1969, copies of which you enclosed.

"I wish, furthermore, to thank Your Excellency for informing me that the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in implementation of resolution 2443 (XXIII), has been established as of 12 September 1969, with Ceylon, Somalia and Yugoslavia as members, and that the Government of Israel has been requested to receive the Special Committee, co-operate with it and facilitate its work; that the General Assembly further expressed its grave concern at the continuing reports of violation of human rights in the territories occupied by Israel in resolution 2546 (XXIV), condemning such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the Israeli occupied territories.

"The contents of your letter have been communicated to the Government of the Syrian Arab Republic, who, I am confident, will give the Special Committee all necessary co-operation and facilities for its work in implementation of the two General Assembly resolutions mentioned above.

"As to the requested information, relating to the practices referred to in the aforementioned resolutions, the names and addresses of persons and organizations residing within the jurisdiction of the Syrian Arab Republic, I shall be glad to communicate with you immediately upon receipt of such information." 1/

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1/ The representative of Syria transmitted a list of organizations and names of individuals prepared to testify before the Special Committee by letter dated 3 March 1970.

15. The Permanent Representative of the United Arab Republic to the United Nations replied by letter dated 12 January 1970, as follows:

"Sir,

"I have the honour to acknowledge receipt of your letter dated 2 January 1970 concerning the future work of the Special Committee, established under General Assembly resolution 2443 (XXIII), to Investigate Israeli Practices Affecting the Human Rights of the Population of the Israeli Occupied Territories.

"The letter has been forwarded to the competent authorities in the United Arab Republic which, I am sure, would accord the utmost attention to the requests therein, in order to facilitate the task of the Committee.

"Upon instructions of my Government, I would like to convey to you, and through you, to the distinguished members of the Committee, that the Government of the United Arab Republic is ready to extend its full co-operation to the Committee in order to ensure the fulfilment of its mandate and the implementation of General Assembly resolution 2443 (XXIII)."

16. The Special Committee also addressed letters to the League of Arab States, informing it of the constitution of the Committee and requesting its co-operation in the execution of its mandate. The Permanent Observer of the League of Arab States replied by letter dated 9 February 1970, as follows:

"Sir,

"I have the honour to acknowledge the receipt of your letter of 29 January 1970, concerning the modalities of co-operation between the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and the League of Arab States.

"Your letter has been forwarded to the League of Arab States. I am sure that the League will give it all due consideration and attention, specially with regard to the proposed modalities of co-operation.

"It gives me, however, great pleasure to inform you that the League welcomes both the establishment of the Special Committee and its intended visit to the Middle East during the month of April 1970."

17. The Permanent Representative of the United Arab Republic addressed another letter to the Special Committee on 27 March 1970, as follows:

"Upon instructions of my Government, I would like to convey to you, and through you, to the distinguished members of the Committee, that the Government of the United Arab Republic would communicate to the Committee upon its arrival in Cairo all available information as indicated in your above-mentioned letter."

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18. The Special Committee considered these replies and decided to visit the territories of those States that had indicated their willingness to co-operate with it in order to record such evidence as was available in those territories. The Special Committee also decided to hold hearings in Beirut, Damascus, Amman and Cairo. The Special Committee also decided to visit London in order to hear other witnesses, among them persons who, according to information appearing in relevant documents of the Security Council and the General Assembly,<sup>2/</sup> appeared to have first-hand knowledge of matters relevant to its mandate. It further decided to visit Geneva to hear certain witnesses and to consult with representatives of the International Committee of the Red Cross.

19. In order to ensure that the appointment of the Special Committee, and its terms of reference, received the widest publicity in the areas concerned, it was decided to have paid notices inserted in the press in the countries in its itinerary and in Israel. The notice prepared by the Special Committee, and published in various language versions, read as follows:

"SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES IN  
OCCUPIED TERRITORIES TO HEAR WITNESSES IN MIDDLE EAST

"The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, established by the United Nations General Assembly, has decided to hold hearings in \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ April at the \_\_\_\_\_ Hotel. The Special Committee is composed of representatives of Ceylon, Somalia and Yugoslavia. Any person who has knowledge of practices affecting the human rights of the population of the territories occupied by Israel, who is prepared to testify before the Special Committee, either in open or private session, is requested to apply immediately to the Secretary of the Committee, giving name, address and brief summary of information he is prepared to present."

20. The Special Committee decided that persons from Israel or Israeli-held territory desiring to give evidence should be heard in Geneva or New York.

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<sup>2/</sup> Official Records of the Security Council, Twenty-fourth Year, Supplement for October, November and December 1969, documents S/9501, S/9506, S/9507, S/9511 and S/9575.

#### E. Rules of Procedure

21. The Special Committee discussed its rules of procedure at meetings held in New York and in London prior to the start of its hearings. The Committee was guided by the model rules of procedure for United Nations bodies dealing with violations of human rights (E/CN.4/1021) prepared by the Secretary-General and presented to the Commission on Human Rights at its twenty-sixth session. The rules of procedure adopted by the Special Committee are reproduced in annex III to the present report.

#### F. Conduct of the investigation

22. The Committee conducted its investigation in the period from 25 March 1970 to 15 June 1970, during which it held a total of forty-six meetings for the purpose of hearing witnesses and several other meetings for planning and organizing its work. The Special Committee met at United Nations Headquarters in New York during the period 23 to 29 March; in London from 31 March to 5 April; Beirut from 6 to 8 April; Damascus from 9 to 13 April; Amman from 13 to 21 April; Cairo from 21 to 29 April; and Geneva from 30 April to 2 May 1970. A total of 146 persons was heard, as follows: London, thirteen, including five in closed or partly-closed session; Beirut, eleven, including three in closed or partly-closed meetings; Damascus, thirty-three, including one in closed meeting; Amman, thirty-five, including four in closed or partly-closed meetings; Cairo, fifty, including four in partly-closed meetings; Geneva, three, including one in a partly-closed meeting; New York, one. The Special Committee visited refugees in Djeramanah Tents, Damascus, on 12 April, and at the Jerash refugee camp in Jordan on 18 April 1970. The Special Committee held meetings at Headquarters from 10 to 15 June and at the United Nations Office at Geneva from 13 to 24 July and 31 August to 5 September 1970. A list of persons appearing before the Special Committee in open meeting is given in annex IV to the present report.

23. The Special Committee also received a considerable number of written communications from persons appearing before it as well as from other persons.

## II. INTERPRETATION OF THE MANDATE OF THE SPECIAL COMMITTEE

### A. Relevant international instruments and resolutions

24. In resolutions 2443 (XXIII) and 2546 (XXIV), the General Assembly referred to the following international instruments and resolutions:

- (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 Organization and the World Health Organization.

25. Security Council resolution 237 (1967), which was endorsed by the General Assembly in resolution 2252 (ES-V), applies to the plight of civilians from the areas affected by the hostilities of June 1967 in the Middle East, and to the situation which arose after those hostilities. The Security Council called upon the Government of Israel, inter alia, "to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities".

26. In both resolutions, the preamble refers to "the urgent need to spare the civilian populations and the prisoners of war in the area of conflict in the Middle East additional sufferings" and "the urgent need to alleviate the suffering inflicted on civilians and prisoners of war as a result of the recent hostilities in the Middle East". The purpose of these resolutions was therefore to protect the civilian population by calling upon the Government of Israel to

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ensure their safety, welfare and security and to facilitate the return of those who had fled. In addition, both resolutions recommended to the Governments concerned "the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and civilian persons contained in the Geneva Conventions of 12 August 1949". The Security Council, in resolution 237 (1967), requested the Secretary-General to follow "the effective implementation of this resolution and to report to the Security Council".

27. The Security Council, in resolution 259 (1968), expressed concern for "the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel", deplored the "delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General", and requested the Secretary-General urgently to dispatch a Special Representative to the occupied territories and to report on the implementation of resolution 237 (1967).

28. In resolution 2341 B (XXII), the General Assembly expressed its concern about the "continued human suffering as a result of the recent hostilities in the Middle East". In resolution 2452 A (XXIII), the Assembly called upon the Government of Israel "to take effective and immediate steps for the return without delay of those inhabitants who have fled the areas since the outbreak of hostilities".

29. The Commission on Human Rights adopted resolution 6 (XXIV) on 27 February 1968 and resolution 6 (XXV) on 4 March 1969. The Economic and Social Council endorsed resolution 6 (XXIV) in resolution 1336 (XLIV), adopted on 31 May 1968. The preambles of both Commission resolutions referred specifically to "the principle embodied in the Universal Declaration of Human Rights recognizing the right of everyone to return to his country". Both resolutions affirmed "the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return," and called upon the Government of Israel "to immediately implement the United Nations resolutions to this effect". In resolution 6 (XXV) the Commission established a Special Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War on 12 August 1949 in the territories occupied by Israel as a result of hostilities in the Middle East. The Special

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Working Group of Experts presented its report (E/CN.4/1016 and Add.1-5) to the Commission at its twenty-sixth session. After considering the report, the Commission adopted resolution 10 (XXVI), in which the Commission inter alia requested the Secretary-General to bring the report of the Special Working Group to the attention of the General Assembly, the Security Council and the Economic and Social Council. The Economic and Social Council, in resolution 1504 (XLVIII), took note of the report of the Special Working Group.

30. It is apparent that a common purpose of the resolutions referred to in paragraphs 25 to 29 supra is primarily to secure the return of those inhabitants who had fled the occupied areas to their homes, to ensure the safety, welfare and security of the inhabitants of the occupied territories and to alleviate their sufferings.

31. The Special Committee notes that in the time that elapsed between 14 June 1967, when the first resolution on this question was adopted by the Security Council, and 19 December 1968, when the General Assembly adopted resolution 2443 (XXIII), establishing the Special Committee, the concern of the United Nations organs for the safety, welfare and security of the population of the occupied areas was accentuated by the increasing frequency of the allegations of violations of human rights in the occupied areas and by Israel's refusal to fulfil its obligations under the Charter and the Geneva Conventions.

32. The international instruments and resolutions mentioned in paragraphs 25 to 29 constitute the context in which the Special Committee has carried out its mandate.

#### B. Scope of the investigation

33. The mandate of the Special Committee, as set out in resolution 2443 (XXIII), is to "investigate Israeli practices affecting the human rights of the population of the occupied territories". The proper interpretation of this mandate requires the Special Committee to determine:

(a) Which are the territories that should be considered as "occupied territories";

(b) Who is covered by the term "population" of the occupied territories;

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(c) What are the "human rights" of the population of the occupied territories;

(d) What are the "policies" and "practices" referred to in resolutions 2443 (XXIII) and 2546 (XXIV).

34. With regard to the first question, both resolutions 2443 (XXIII) and 2546 (XXIV) refer to the situation that developed subsequent to the hostilities of June 1967. The areas under Israeli occupation are: the Golan Heights, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula.

35. As regards the second question, as to who are the persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee, the first and most obvious category of persons is the civilian population residing in the areas occupied as a result of the hostilities of June 1967. The second category consists of those persons normally resident in the areas that are now under occupation but who have left those areas because of the hostilities. However, the Special Committee notes that resolution 2443 (XXIII) referred to the "population", without any qualification as to any segment of the inhabitants in the occupied territories.

36. The "human rights" of the population of the occupied territories, in the view of the Special Committee, consist of two elements, namely those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967); and secondly, those rights which find their basis in the protection afforded by international law in particular circumstances such as occupation and, in the case of prisoners of war, capture. To the first set of rights pertain those enunciated in the Universal Declaration of Human Rights, and in particular the principles set out in article 13 regarding the right of everyone to return to his own country. According to article 2 of the Declaration, everyone is entitled to all these rights and freedoms without distinction of any kind; furthermore, "no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be...independent... or under any other limitation of sovereignty". The Special Committee considers that these rights are

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of universal application to the persons covered by its investigation, subject of course to the provisions of article 29, paragraph 2, of the Declaration.<sup>3/</sup>

37. Moreover, civilians are entitled to the protection envisaged in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Convention) in accordance with the provisions of that Convention, and prisoners of war are entitled to the protection afforded by the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (Third Convention). The Special Committee notes that the Third and Fourth Geneva Conventions were ratified by the Hashemite Kingdom of Jordan on 29 May 1951, by Israel on 6 July 1951, by the United Arab Republic on 10 November 1952 and by the Syrian Arab Republic on 2 November 1953.

38. Apart from the Third and Fourth Conventions which are unquestionably applicable to the situation in the Middle East and binding upon Israel as the occupying Power, the Special Committee also has taken note of the standards set out in the International Covenant on Civil and Political Rights, which though not yet in force, asserts the inalienability of certain rights even "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed."

39. The Special Committee's investigation, according to resolutions 2443 (XXIII) and 2546 (XXIV), concerns "policies" and "practices" affecting human rights. Whereas resolution 2443 (XXIII) referred only to "acts of destroying homes of the Arab civilian population", resolution 2546 (XXIV) referred to "reports of collective punishments, mass imprisonment, indiscriminate destruction of homes and other acts of oppression against the civilian population" and to "deportation of the inhabitants". The Special Committee interprets the term "policies" to mean any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent. "Practices", for the purposes of the investigation of the Special Committee, are, in the context of

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<sup>3/</sup> Article 29, paragraph 2: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society".

resolutions 2443 (XXIII) and 2546 (XXIV), those actions which, irrespective of whether or not they are in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the Arab population of the occupied areas.



### III. ANALYSIS OF EVIDENCE

#### Introduction

40. In this section of its report the Special Committee analyses the evidence that has been presented to it. In doing so it has been guided by the purposes of the Security Council resolutions adopted from time to time after the June 1967 war, particularly Security Council resolution 237 (1967) of 14 June 1967, which expresses concern for, and seeks to ensure, the right of persons who had left their homes owing to the hostilities to return to their homes, and the safety, welfare and security of the inhabitants of the occupied territories.

41. The Fourth Geneva Convention of 1949<sup>4/</sup> may be considered as the expression of the international community's sense of revulsion at the treatment accorded to Jews who came under the Nazi régime during time of war and occupation and who were subjected to indignities, abuses and deprivations in gross denial of human rights.

42. Since the adoption of that Convention the irony of history has made the June 1967 war between Israel and its neighbouring Arab countries, and the aftermath of that war, the first occasion on which the value of the Convention itself and the genuineness of individual nations' adherence to it could be put to the test. The Special Committee's attention was drawn to this aspect of the matter by the representative of the International Committee of the Red Cross appearing before it (A/AC.145/RT.36).<sup>5/</sup> The International Committee was the organ that found itself with the responsibility for ensuring the observance of the relevant Geneva Conventions. It was placed in the predicament of having to fulfil its traditional role as the accepted and neutral instrument for the observance of the international humanitarian rules of war and occupation while avoiding involvement in acrimonious controversy through the disclosure of instances of violation of these rules which had come to its knowledge solely by virtue of its privileged status.

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<sup>4/</sup> United Nations, Treaty Series, vol. 75 (1950), No. 973.

<sup>5/</sup> The symbol A/AC.145/RT.\_\_\_\_ refers to verbatim records of testimony heard by the Special Committee.

43. In defining the precise aim and purpose of this investigation, the Special Committee decided, at the outset, that it must not interpret its mandate as enjoining it to conduct an investigation for the purpose of conviction and punishment of abuse. The Special Committee prefers to regard its mandate as requiring it to investigate a situation, to ascertain the facts, to determine whether there have been contraventions of the Geneva Conventions of 1949 or the Universal Declaration of Human Rights and, if it finds that there have been instances of contravention and violation of these rules of international law, designed and accepted in the interests of humanity, to express its opinion as to the means and measures by which the international community can instil in all nations a scrupulous respect for, and extract from them adherence to, these rules of humanitarian conduct even under the brutalizing influence of armed conflict.

44. The Special Committee has no power to make an effective response to the numerous appeals made to it for help in securing the return of displaced persons to their homes in the occupied territories, the reunion of families or the release of relatives said to be held in detention without trial or intimation of charges, or the alleviation of the alleged sufferings and privations of the inhabitants of the occupied territories.

45. The evidence presented to the Special Committee consists of oral statements made under a solemn declaration, documentary evidence in the form of newspaper articles by journalists, published statements of responsible representatives of the occupying Power, published reports, including reports of surveys such as those conducted by the Institute of Palestine Studies and the American University of Beirut, and of investigations such as those undertaken by Amnesty International, the National Council of Churches of Christ, USA, and the International Association of Democratic Lawyers; and graphic evidence in the form of films on the human rights of the population of the occupied territories.

46. The Special Committee was not allowed by the Government of Israel to visit the occupied territories, but despite this, sufficient evidence has been forthcoming from outside those territories to justify certain clear findings and conclusions. There were witnesses, some from within Israel itself, who spoke in general terms in

warm approbation of the conduct of the Israeli forces and of the occupation régime (A/AC.145/RT.6, 37, 38). For the most part they maintained that they had seen no evidence of any violation of human rights or of the provisions of the Geneva Conventions of 1949.

47. There were other witnesses from Israel who corroborated the general evidence of systematic violations of human rights (A/AC.145/RT.3, 40, 41). The Special Committee would refer in particular to the evidence given by a representative of the Israel League for Human and Civil Rights on behalf of that organization, Mr. Joseph Abileah, an executive member of the League who was authorized by the League's executive to testify before the Special Committee (A/AC.145/RT.40,41). He presented on behalf of the League a memorandum dated 8 June 1970, which forms part of the records of the Special Committee (L2, appearing as annex VI to this report). In this memorandum the Israel League for Human and Civil Rights refers to alleged instances of breaches of human rights, such as collective punishments, blowing up of houses, administrative detention, expulsions and torture, killing during curfew, and supports these allegations with statistics and names of persons affected. Mr. Abileah supplemented the memorandum with oral evidence.

48. In an effort to eliminate any possibility of political prejudice or any other form of bias on the part of Mr. Abileah and the organization he represents, namely the Israel League for Human and Civil Rights, against the Government of Israel, the members of the Special Committee subjected Mr. Abileah to a thorough and exhaustive cross-examination. Mr. Abileah withstood this cross-examination without faltering and left no doubt in the minds of the members of the Special Committee as to his credibility.

49. The Special Committee wished to hear the evidence of the Israeli lawyer, Mrs. Felicia Langer, who was mentioned by several witnesses and has been referred to in the memorandum of the Israel League for Human and Civil Rights (see annex VI to this report). Mrs. Langer and her law associates seem to have been prominent in representing the interests of persons detained by the Israeli authorities and to have been in contact with several persons who complained of ill-treatment while in custody. Mrs. Langer had addressed an open letter to the Minister of Police entitled "Where is the truth, Mr. Minister?" citing certain cases of alleged torture.

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According to the memorandum of the Israel League for Human and Civil Rights, this letter was published in the Zo' Haderekh of 6 May 1970. The same letter appeared in the Israeli newspaper Al-Ittihad (No. 100 of 28 April 1970). The Special Committee also received from a witness in closed session translations of several letters concerning cases of alleged ill-treatment of some of Mrs. Langer's clients (see annex VII to this report). The Special Committee attempted without success to secure Mrs. Langer's attendance before it. In excusing herself, Mrs. Langer stated in a telegram to the Special Committee dated 30 July 1970:

"Sorry unable to come because of my obligations towards clients and unfavourable circumstances in which testimony will endanger the continuation of my work. I confirm as facts verified by me all parts of the memorandum Human Rights League sent to you concerning my cases and my experience. Felicia Langer"

50. It is a self-evident proposition that the suppression or withholding of evidence regarding an offence is inexcusable and could be tantamount to abetment of the offence itself. There are, however, certain extenuating circumstances which might be invoked to exempt two organizations from this general proposition. They concern the International Committee of the Red Cross and the personnel employed in United Nations establishments like schools and camps of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Both these organizations were in a position to confirm or rebut direct evidence alleging violations of human rights in the occupied territories but their policies compel them to recognize discretion as the better part of humanity.

51. The International Committee of the Red Cross would risk forfeiting the prerogative it now enjoys, of access to embattled or occupied zones, to prisoners of war and to persons detained under military occupation régimes if it revealed information which has come into its possession in the course of its discharge of its humanitarian mandate and which has been made available to it in confidence.

52. The International Committee of the Red Cross seems to have found it impossible to function both as an intermediary protecting the interests of the captive and as

an investigator exercising surveillance over the conduct of the captor. The reluctance of the International Committee to involve itself in the function of surveillance over the conduct of the occupying Power is understandable, as is also its chagrin at the leakage of the contents of reports which it hoped would remain secret. The Special Committee considers it proper to absolve the International Committee of the Red Cross from responsibility for these leakages. The Special Committee is entitled, however, to make use of any evidence that has come its way, irrespective of the procedure through which such material has received publicity.

53. United Nations personnel find themselves in the same dilemma as the International Committee of the Red Cross in that they are faced with the conflict between the discharge of their primary and legitimate functions and the general duty which devolves on any responsible organization directly or indirectly concerned with the rules of international law and conduct, to co-operate in securing adherence to the principles of the Universal Declaration of Human Rights and the Geneva Conventions. The failure of UNRWA to disclose information regarding conditions prevailing in the occupied territories, and especially regarding the unpleasant experiences of UNRWA personnel and establishments at the hands of the occupation authorities, might appear to be a dereliction of a humanitarian duty. If, however, the policies of UNRWA preclude the organization from furnishing any evidence that it has in its possession, the Special Committee must either accept the situation, regrettable though it be, or seek some change of policy.

54. The Special Committee has made specific mention of UNRWA because there was evidence of undue and unwarranted interference with UNRWA establishments and personnel, particularly in the Gaza Strip. Reference has been made to UNRWA protests against the destruction of refugee huts, and to the sacking, looting and seizure of UNRWA property.

55. From the great mass of evidence that has been received, the Special Committee would like to extract those parts that merit special attention. In making this selection the Committee has taken into account the purpose of its investigation, which is not to establish judicial proof that in turn would lead to the conviction and the punishment of an offence, but to draw attention to a state of affairs of

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which there is prima facie evidence warranting, if the need should arise, further investigation. For example, where the names of persons who are said to have been killed in the course of demolition and destruction of homes, or who are alleged to have been summarily shot by the occupation forces, have been given by witnesses, such evidence has more than ordinary value. Into this category would also fall statements made by more than one witness independently of one another and thereby providing some element of corroboration of forms of ill-treatment, further corroborated by physical evidence. Throughout the investigation the Special Committee endeavoured to pay special attention to the demeanour of witnesses as a measure of their credibility and to sift actual experience from invention.

56. The Special Committee realizes that the consternation, confusion and chaos that followed in the wake of hostilities and that prevailed in the first weeks or months of the cease-fire and the occupation largely account for the lack of coherence in the evidence of some witnesses, and also the notable absence of any attempt at an orderly and systematic accumulation of facts by any responsible authority. It is precisely under such conditions that the passions and animosities aroused by actual armed conflict could undermine the discipline of troops and impair the effectiveness of command, thereby resulting in individual excesses. This is not to condone such excesses or to absolve those in authority from their duty of adopting every precaution to prevent the abuse of power and the transgression of human rights.

A. The validity of the Defence (Emergency) Regulations, 1945

57. The Special Committee has taken note of the law by virtue of which Israel, as occupying Power, is carrying on the government in the occupied territories. Many measures and, in particular, the demolition of houses, deportation of individuals and imposition of curfews, were alleged by witnesses to have been taken by the Government of Israel under the authority of the Defence (Emergency) Regulations, 1945. The Government of Jordan has questioned the validity of the Defence (Emergency) Regulations, 1945, and has submitted that as far as the West Bank was concerned such measures are illegal since:

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(a) They did not form part of Jordanian law in 1967, having been abolished by the Jordanian Government when it brought into effect on 16 May 1948 the Jordanian Defence Regulations of 1935;

(b) Israel, as an occupying Power, does not have the right to promulgate such law; and

(c) In fact, Israel has not promulgated these regulations (see the reply of the Government of Jordan in annex V to this report).

58. The Special Committee has examined these regulations and is of the opinion that the question of their validity should be examined before the question of their applicability could be discussed. The purpose of these regulations in 1945 was to maintain order in a situation of emergency declared to be existing in Palestine, at that time a territory under British mandate. The situation existing in the territories occupied by Israel as a result of the hostilities in June 1967 is one of occupation of territories falling within the jurisdiction of three foreign States. This type of situation is governed by the Geneva Conventions of 1949, to which Israel is a party and which are applicable in the occupied areas.

59. The provisions of the Fourth Geneva Convention concerning the role of the occupying Power are unequivocal and should regulate the way in which that Power exercises authority in the occupied territories. The proper law to be applied in the West Bank by Israel should, therefore, be the Jordanian law existing at the time of occupation and the only changes permissible under the Fourth Geneva Convention are changes in such provisions of the penal law as constitute a threat to the security of Israel or an obstacle to the application of the Convention.

Article 64 of the Fourth Geneva Convention further provides:

"The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them."

The Defence (Emergency) Regulations are not, and cannot be, considered as enacted in conformity with the provisions of the Geneva Convention since, irrespective of whether they are part of Jordanian law or not, they contain provisions which are contrary to several principles of human rights, which, the Special Committee considers, have been universally accepted and recognized in international law and the constitutions of most States. These principles are enshrined in legal provisions that are inalienable and any law or regulation purporting to deprive the individual of the protection of such rights is of itself invalid. Inasmuch as the Defence (Emergency) Regulations 1945:

- (a) Allow arbitrary, prolonged detention of individuals without charge or trial;
- (b) Deny persons, including those under detention, access to their lawful courts 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 may, to this extent, be considered invalid and any act perpetrated under any such invalid provisions is ultra vires.

60. Furthermore, the Special Committee is of the opinion that any law, even though based on security considerations, is invalid if such law violates the provisions of the Geneva Conventions. 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.

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B. Analysis of evidence relevant to the right of  
everyone to return to his country

61. The Special Committee received considerable evidence alleging infringements of the right of persons living in the areas under occupation to remain living there and of the right of those who fled those areas to return to their homes.

62. A number of witnesses testified that they had been forcibly deported from their homes; this applies, in particular, to those witnesses normally resident in the Golan Heights.<sup>6/</sup> The same type of allegation was made in connexion with the Gaza Strip where, apart from evidence of forcible deportation, it was also alleged that the Israeli authorities were intent on transferring a considerable number of the inhabitants of Gaza to the West Bank.

63. The Special Committee received evidence of indirect methods, employed by Israeli authorities, designed to discourage the local inhabitants from remaining in the occupied areas and to induce them to leave. Allegations of harassment were made to the Special Committee by a considerable number of witnesses whose testimony ranges from allegations of unnecessarily repressive security measures to indiscriminate collective punishment inflicted by way of reprisal.

64. A number of publications presented to the Special Committee concerned this question: an interview with Mr. Weizman, Minister of Transport of the Government of Israel, reported in Haolam Hazeh (A/AC.145/RT.22, Nabulsi, doc. J52), quotes the Minister as saying that the West Bank has been and will remain a part of Israel and that the inhabitants of the area would be expelled from the West Bank, the Moslems being set to the East Bank and the Druzes to the Golan Heights.

65. The evidence of mass deportation, and of the creation of conditions which leave no option to the individuals except to leave the territory, is further supplemented by evidence tending to show that the inhabitants of the occupied areas

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<sup>6/</sup> A/AC.145/RT.12, pp. 18-20, 87, 101, 118-120; A/AC.145/RT.13, pp. 53, 54; A/AC.145/RT.14, p. 42; A/AC.145/RT.16, pp. 61, 72-75.

are being deprived of leadership by the deportation or detention of a considerable number of those persons looked upon by the inhabitants as their leaders.<sup>7/</sup>

66. The Special Committee has received evidence which indicates that the occupation has created adverse economic conditions which, together with other circumstances, force the inhabitants of the occupied territories to leave (A/AC.145/RT.10, Mr. Sayegh). On the other hand, an Israeli witness maintained that the economic conditions in the occupied territories had actually improved rather than deteriorated since the occupation (A/AC.145/RT.37).

67. The allegations of mass deportation, deportation of leaders, creation of adverse economic conditions and excessively harsh collective punishments - such as protracted curfews, demolition of houses, indiscriminate and frequent arrests and prolonged administrative detention of an ever-increasing number of persons - taken as a whole and in the absence of any reasonable justification for such measures, lead the Special Committee to believe that the occupying Power is pursuing a conscious and deliberate policy calculated to depopulate the occupied territories of their Arab inhabitants. In addition, the Special Committee has also received evidence of the establishment of Israeli settlements in the occupied territories, particularly in occupied Jerusalem, Golan Heights, and in certain areas of the West Bank.

68. The Government of Syria has represented to the Special Committee that Israel intends to annex the Syrian territory that it occupied during the hostilities of June 1967 (see reply of the Government of Syria in annex V to this report). The Syrian Government stated that the legal and judicial system in the occupied Syrian territory has been replaced by the Israeli legal and judicial system. The Syrian Government also drew the attention of the Special Committee to the following dispatch of the Jewish Telegraphic Agency dated 31 May 1970 concerning the establishment of Israeli settlements in the occupied Syrian territory:

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<sup>7/</sup> A/AC.145/RT.17, p. 6 concerning the deportation of Senator A. Atalla; A/AC.145/RT.18, p. 18 concerning the deportation of Mr. Nadim Zarou, Mayor of Ramallah; A/AC.145/RT.19, p. 92 concerning the deportation of Mr. Negib El-Ahmed, Member of the Jordanian Parliament, and Dr. Saleh Anabtawi, pediatrician; A/AC.145/RT.20 on Mr. Ruhi Khatib, Mayor of Jerusalem.

"Jerusalem, 31 May (JTA) - A \$48 million five-year plan to expand Israeli settlements in the occupied Golan Heights was approved by the Ministry of Agriculture's Planning Committee today. The project calls for the addition of six new settlements to the eleven already established in the region. Each settlement will have 1,000 head of cattle and about 8,000 acres of pasture land for grazing. Golan settlements already produce potatoes, citrus fruits, plums, olives and walnuts."

69. The International Committee of the Red Cross, in the first part of a report on its activities in the Middle East during the period June 1967 to June 1970 (published in the International Review of the Red Cross, August 1970, No. 620), states with regard to the exodus from the Golan Heights, that the International Committee of the Red Cross delegation in Israel tried on several occasions to stop the various pressures that were forcing those people who were still in the area to leave for unoccupied Syria. The report states that the official Israeli position was confirmed by a letter of 7 May 1968, in which it was stated that the occupation forces were not doing anything to make the local inhabitants leave or to make them stay. The Government of Israel is also reported as stating that the departure of the inhabitants was a voluntary one and not a forced deportation. The same report states that the local population of the occupied Syrian territory was estimated at 110,000 persons before the hostilities. Immediately after the hostilities, the population numbered about 8,000 persons, of whom 1,000 lived in Quneitra. At the beginning of 1968, the report states, there were 6,848 Druzes, 388 Muslim Arabs, seventeen Christian Arabs and five Tcherkesses. The report states that on 31 May 1970, there were eleven Arabs left in Quneitra.

70. The Special Committee takes note of the attempts that have been made since 1967, on behalf of the refugees, to facilitate their return to the areas under occupation that they had fled. As is shown, inter alia, by the report of the International Committee of the Red Cross, efforts at repatriation have been unsuccessful. In the view of the Special Committee this report confirms the view that the Government of Israel was to blame for hindering efforts at repatriation of civilians and reuniting families. The failure of these efforts, together with the other evidence referred to earlier, and the absence of any pronouncement or effective action to the contrary by the Israeli authorities, convince the

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Special Committee that the Government of Israel is in effect pursuing a policy whereby the rights of persons in the occupied territories to remain there and of those who have fled to return, is being denied.

C. Analysis of evidence relevant to the question of the  
safety, welfare and security of the inhabitants of the  
occupied areas

1. Allegations concerning persons and property

(a) Collective and area punishment

71. The Special Committee understands the term "collective and area punishment" as any punishment indiscriminately imposed on a number of persons without regard to their responsibility for the act for which the punishment is imposed. It believes that responsibility for an act is a prerequisite to the punishment of that act.

72. The Special Committee received considerable evidence, ranging from eye-witness accounts to newspaper reports, on the alleged policy of collective and area punishment. To these must be added official pronouncements by members of the Government of Israel which affirm the existence of such a policy. This evidence shows that there is a policy of collective and area punishment being imposed indiscriminately on the civilian inhabitants in the occupied territories. It also shows that such punishment is, in most cases, inflicted by way of reprisal for acts of sabotage of which the resistance movement is suspected.

73. The evidence received by the Special Committee reveals that collective and area punishment takes the form of destruction of houses, curfews and mass arrests. A common feature of these forms of collective punishment appears to be the lack of proportion between the act committed and the punishment imposed.

Mr. Micheal Adams (A/AC.145/RT.1) in his evidence, inter alia, on the curfew that was imposed in Gaza in January 1968, when a 250-gram TNT grenade was thrown, stated that during the curfew the United Nations Relief Organization in the area was not allowed to provide normal services over a period of several days and that the population had to go without food and sometimes without water for periods

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for the best part of twenty-four hours at a time. Similar evidence of collective punishment was received by the Special Committee with regard to incidents that occurred in Beit Sahhaur (A/AC.145/RT.3, Miss Birkett). The Committee also heard evidence concerning collective punishment imposed in several localities in the occupied territories, among them Gaza and Halhul. It is an established fact that Halhul was the scene of extensive destruction, that the destruction was inflicted as a collective punishment by way of reprisal, and that the Israeli authorities were responsible for the destruction that took place.

74. In addition to this evidence describing incidents of collective punishment, the Special Committee takes note of certain pronouncements of Israeli leaders. These pronouncements show that the collective punishments that have been imposed in the occupied territories are not merely isolated incidents in answer to manifestations of resistance to occupation, but rather part of a deliberate policy adopted by the Government of Israel. These acts of collective punishment in themselves are a violation of article 33 of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949, which states: "... Collective penalties and likewise all measures of intimidation or of terrorism are prohibited". The commentary to the Fourth Geneva Convention published by the International Committee of the Red Cross states that the prohibition on collective penalties refers to "penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed" (p. 225). In the cases brought to the Special Committee's attention regarding such incidents as those for example, in Halhul, Beit Sahhaur, and Gaza, there is no evidence to show that any effort was made to establish the responsibility of the victims of collective punishment and that in all cases the punishment imposed, whether it was destruction of homes or a twenty-two hour curfew, or indiscriminate arrest or detention for prolonged periods, was utterly draconian and defied the most elementary principles of humanity. Furthermore, the Special Committee has come to the conclusion that these collective punishments were imposed by way of reprisal, which is in itself contrary to the Fourth Geneva Convention (article 33).

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(b) Deportation and expulsion

75. The Special Committee has heard considerable evidence of deportations, ranging from the ejection of whole village populations in the Golan Heights to the expulsion of individuals for alleged acts which the occupying Power considered to be contrary to its interests or its convenience. In the Golan Heights, at various periods immediately after the cease-fire, the Israeli authorities ejected a number of persons forcibly from the villages. The Special Committee has received evidence in particular with regard to the villages of Deir El Bteha (A/AC.145/RT.12, Maatouk, p. 18), Massakieh (A/AC.145/RT.12, Dawwas, p. 87), Mashtah (A/AC.145/RT.12, Ersan, pp. 118-120), Hafar (A/AC.145/RT.12, Nassif, p. 101), Zaaoura (A/AC.145/RT.13, Khatib, pp. 53-57) and Quneitra (A/AC.145/RT.14, Kader, p. 42 and others). A substantial number of the inhabitants of the Golan Heights, particularly those from Quneitra (which is the largest town in the area), had fled before the Israeli troops entered the area, and of those who remained behind, the majority were forced to leave. The Special Committee notes that since that time there has been no genuine effort to bring back the inhabitants who had thus fled or had been forcibly ejected; on the contrary, there have been several confirmed reports that the Government of Israel has established Israeli settlements in those areas, the apparent purpose of which is to preclude the return of the inhabitants to these areas. Such mass deportation of the inhabitants of an area, and their replacement by persons of the occupying Power's choice in new and permanent settlements, constitute a violation of article 49 of the Fourth Geneva Convention.

76. The question may arise whether "the security of the population or military reasons" justify the Government of Israel in depopulating the Golan Heights. The civilians who inhabited the area before 1967 and who are now displaced have a right to return to their homes and should be allowed to do so. The Special Committee must stress that even strategic and defence considerations offer no pretext for the denial of this right.

77. The Special Committee also received evidence concerning the deportation of individuals from the occupied territories, in particular persons who may be considered as being leaders of the community or who are recognized as such by the civilian population. The Special Committee would refer particularly to the

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Mayor of Jerusalem, Mr. Ruhi Khatib, and the Mayor of Ramallah, Mr. Nadim Zarou, who were deported on the ground of being security risks. The Special Committee has little reason to doubt that the Government of Israel hoped to enervate the community by depriving it of intelligent and active leadership, and thereby to reduce the community to a state of passive subservience to the occupying Power.

(c) Ill-treatment of prisoners and detainees

78. The Special Committee heard several witnesses who alleged that they had been subjected to cruel and inhuman treatment whilst under detention. It was particularly impressed by the testimony of a number of such witnesses, among them Mr. Sadaddin Kamal (A/AC.145/RT.11), Mr. Ahmed Khalifa (A/AC.145/RT.9), Mr. Youssef Salahat (A/AC.145/RT.21), and Mr. Ismael Abu Mayaleh and his wife, Mrs. Abia Tahha (A/AC.145/RT.22). These cases have been specially cited not because they exceed others in credibility but because they represent what the Special Committee feels is a cross-section of practices which are alleged to prevail in Israeli prisons and detention camps. The Committee notes also that a number of witnesses, in independent testimony in different countries, have corroborated one another's evidence with regard to methods of ill-treatment practised in certain prisons as distinct from certain other prisons. This is particularly true of Sarafand camp, sections of the Muscovite prison in Jerusalem and the Gaza prison.

79. Mr. Sadaddin Kamal (A/AC.145/RT.11) thirty-one years old, messenger and janitor at the Ministry of Public Works, a native of Beit Gian, who was working in Quneitra at the time of the June 1967 hostilities, appeared before the Special Committee and alleged that he had been blinded as a result of torture inflicted on him by his Israeli captors. He described how blood was drawn from his arm in such copious quantities that he was reduced to unconsciousness; how he was beaten on the head and had his head subjected to violent pressure by being forced into a narrow opening, apparently a window in a room. He alleged that his head was kept locked in that position and that he had to submit to this treatment daily at about midday for about half an hour at a time, more or less, during a period of forty-two days. His finger-nails were pulled with pincers and his

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eyelids and eyelashes plucked. This happened to him in the Mount Carmel zone in Palestine. As a result of this treatment he lost his eyesight. Witness Mohamed Kheir Fayez Eid (A/AC.145/RT.11), Inspector of the Public Works Department of Quneitra, testified that he knew witness Sadaddin Kamal. He stated that he had recruited him into the service of the Quneitra municipality, that a month later Sadaddin Kamal was transferred to the Public Works Department as an usher or janitor and that his eyesight was normal. Doctor Ahmed Aziz (A/AC.145/RT.13), in corroboration of Sadaddin Kamal's evidence, said that he had him admitted to the Mushtahid Hospital in Damascus. Questioned by the Special Committee about the reason for the treatment he had received, Sadaddin Kamal said that it was by way of punishment for his refusal to perform forced labour. It is unlikely that this was the real reason, but the motive is irrelevant if the fact is established. The Special Committee is convinced of Mr. Kamal's credibility and has no doubt that he was blinded as a result of the ill-treatment to which he was subjected in the course of his detention.

80. Mr. Ahmed Khalifa's evidence (A/AC.145/RT.9) was particularly impressive because, when he testified before the Special Committee, he did not give the impression that he was moved by rancour towards his former captors. Despite his experiences he seemed to have retained his objectivity and sense of proportion. This was manifest in his description of his own ill-treatment and that of his fellow prisoners. Mr. Khalifa was released in February 1970 after being in prison for two years and one month. He was kept in the Muscovite Prison in Jerusalem, in Ramleh Prison and Sarafand detention camp. His evidence, therefore, covers a rather long period and a number of prisons. He describes his being suspended by the wrists for prolonged periods in the Muscovite Prison, having dogs set on him in Sarafand and being severely beaten in all the prisons where he was detained. Mr. Khalifa also testified to what he had himself witnessed in these prisons. He makes reference to a number of cases, in particular, those of Mr. Abu El-Ajrami, Mr. Abdul Latif Dhaidt, Mr. Kassem Tamimi and Mr. Abu Rumeile.

81. The evidence of Mr. Nadim Zarou (A/AC.145/RT.17, 18 and 20), who was the Mayor of Ramallah at the time of the occupation, deserves special attention. He presented a written statement that appears in the record as document J-10,

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and supported it with oral testimony. He is a responsible citizen and attempted to intervene with the occupying forces to prevent the population of his village from being harassed and oppressed. He maintained that persecution and torture were deliberately employed by the occupying forces as political weapons to intimidate the population and to compel them to leave their country. He referred to this as a deliberate policy of the Israeli authorities executed by Col. David Brinn, Military Governor of Ramallah, with the endorsement of Gen. Moshe Dayan, Defence Minister of Israel. These statements, even if they come from responsible persons, must be subjected to the same careful scrutiny and the same norms of credibility as statements of any other witness. In the Special Committee's opinion, Nadim Zarou's evidence satisfied these tests and deserves credence.

82. Mr. Zarou referred to Muhammad Mustapha Ghanam, a labourer in the Amary Camp of UNRWA at Jalaza, who was summoned by Capt. Ilan and was given five days in which to decide whether he would collaborate with the occupation forces as an informer. He refused to do so and was tortured. An official of UNRWA, Mr. Castles, described by Mr. Zarou as the Director of UNRWA, intervened at Mr. Zarou's instance and secured Muhammad Ghanam's release. Mr. Zarou stated that Mr. Castles gave Mr. Ghanam two months' leave with pay, after which he returned to work. He is said to have borne marks of beatings and dog bites, the result of a form of ill-treatment mentioned by many witnesses and said to have been practised by the occupying forces. Under this treatment dogs were let loose on prisoners who were bound and scarcely able to move. Mr. Zarou maintained that Mr. Castles had presented a report on this incident to the Director-General of UNRWA, Mr. Michelmore, for transmission to the United Nations in New York. The value of this statement is that it specifically mentions officials of UNRWA whose evidence has not been forthcoming for reasons of policy. The Special Committee feels that it is entitled to know whether or not such a report exists. Much more is at stake than Mr. Zarou's credibility as a witness, high enough, though, that stake is.

83. Mr. Zarou mentioned the trial of a lawyer, Beshir El Khairi of Ramallah, which took place four months after his arrest. During this trial, Beshir El Khairi is said to have stood up and shown the marks of the ill-treatment he had

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received during interrogation, and as a result of which he had lost the hearing of his right ear and also his virility. Medical reports of Jewish doctors who examined him in prison are said to have testified to his condition.

Representatives of the International Committee of the Red Cross and of the Israeli Press had attended his trial. Beshir El Khairi's lawyers, Antol Jasser and Aziz Shehadeh, were said to have been asked by the Military Governor to persuade Beshir El Khairi to withdraw his allegations of torture, in support of which he had cited certain witnesses, on the promise of withdrawal of the charges against him. Mr. Zarou stated that Beshir El Khairi had rejected this offer. At the time of the investigation of the Special Committee, he was said to be still in Ramallah Prison.

84. Mr. Zarou was arrested on 1 October 1969, detained in prison for six days, and then expelled from the area. He stated in his evidence that he was in constant touch with Peter Sutherland of the United States Consulate in Jerusalem who, along with him, toured a few villages in the district of Ramallah, such as Deir Es-Sudan, Ajjoul, Karawa, Aboud and Deir Abou Misha'al. Mr. Zarou stated that one Easter Sunday Peter Sutherland visited several persons who had been tortured and as a result were suffering from paralysis, mutilated finger-nails and loss of hearing. Mr. Zarou had been shown a copy of Peter Southerland's report, containing the names of these persons and the details of their torture. He naturally was not aware of the fate of that report, but it is worth recording that such a report is said to have been made.

85. The cruel treatment of Mr. Abu Mayaleh and his wife, Mrs. Abla Tahha (A/AC.145/RT.22), at the hands of the Israeli authorities has been established beyond any doubt and is now a matter of public record.

86. The case of Mr. Abu Rumeile also deserves attention. He did not appear before the Special Committee as he is allegedly confined in a mental hospital in Israel or in Israeli-occupied territory. However, the Special Committee received enough corroborative evidence to establish beyond reasonable doubt that Mr. Rumeile became insane as a result of the ill-treatment he received at the hands of his Israeli captors. His case was mentioned to the Special Committee by Mr. Khalifa (A/AC.145/RT.9), by a witness appearing in closed

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meeting (A/AC.145/RT.25) and in written communications forwarded to the Special Committee from within Israel by persons who have been closely involved with his case (see annex VII and its appendix).

87. Mr. Negib Mustapha el-Ahmed (A/AC.145/RT.19), fifty-year-old Palestinian of Jenin, formerly a Deputy in the Jordanian Parliament, stated that he had been held in prison for one year and fourteen days accused of passing military information to the Iraqi Ambassador and to Mr. Yassir Arafat, the leader of Al-Fatah. For twenty-seven days he was beaten every day. Those responsible for this treatment were all officers, a Major Yakoubi, a Major Baruch and a Major Manachem, as also Lieutenant Chaim, who seemed to have specialized in ill-treatment by boxing and kicking. The witness made special mention of the fact that he was not ill treated or tortured by any soldiers. Such ill-treatment as he received took place before he was brought to trial and extended over a period of two months. He was visited in prison by Mr. Conveir, a representative of the International Committee of the Red Cross, on 5 November 1968. Israeli intelligence officers were present throughout the interview and he had been warned of reprisals if he complained of having been subjected to any ill-treatment.

88. Mr. Ahmed stated that the International Committee's representative, Mr. Conveir, as well as his successor, visited him in prison. He could not, however, speak with them except in the presence of an Israeli officer.

89. Mr. Ahmed specifically referred to the case of Anwar Kamal Mustapha Khamis and sixty-three others who were arrested on 21 March 1968, on a charge of belonging to the fedayeen, and brought to Jenin Prison. They were subjected to torture and went on a hunger strike which lasted for five days. A Jewish doctor was brought in to feed them by force. The Israeli captors picked out fifteen of them, including Mustapha Khamis, and beat them with sticks. A policeman named Haim - a prison guard apparently - beat Khamis with a stick on his belly and head, causing profuse bleeding. Khamis died four hours later. An Arab doctor, who was a Government Medical Officer named Hafiz Saddam, was asked to issue a certificate that death was due to illness. He refused to do so. The body was then transferred to Ramleh Prison and ultimately sent to Jordan through the International Committee's representative,

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Mr. Conveir. Mr. Ahmed and others brought the facts of this case and of many others to Mr. Conveir's notice.

90. Mr. Ahmed also mentioned the case of Moayyad Osman Bahsh of Nablus, twenty-two years old, who was arrested in mid-1967 after the cease-fire. He was taken to Sarafand Prison and tortured. The torture took the form of his being hanged by his feet from a wall, burnt with cigarette butts and given enemas of red pepper. He was hanged for sixteen hours at a stretch and beaten with rubber whips that had been reinforced with metal wire. As a result of this treatment his left hand became paralysed and later his entire left side up to his shoulder. He was taken before a military court and acquitted but he is still in gaol. Mr. Ahmed stated that the International Committee's representative, Mr. Conveir, had intervened but without avail. Osman Bahsh was brought to Nablus Infirmary. An international group headed by a tall Englishman visited him in gaol. Mr. Ahmed spoke with the Englishman. Presumably this was a group from Amnesty International, but that fact cannot be verified without reference to the organization.

91. Mr. Ahmed also mentioned the case of six Egyptian soldiers who had been lost in the Sinai Desert after the cease-fire. He met them in Nablus Prison where they were brought after being tortured in Sarafand Prison. The International Committee's representative, Mr. Conveir, and others met them. They had been captured on or about 1 January 1968. Mr. Ahmed repeats the story that they had been made to commit acts of homosexuality on one another. One of them, Muhamed Jad El Sayid, had his shoulder-blade broken by torture. One had tried to immolate himself by pouring kerosene on his body and setting fire to himself. Ahmed met them in Nablus Infirmary in January 1969.

92. The lurid story of being compelled to commit acts of homosexuality was repeated by four of these Egyptian soldiers, who were traced and who gave evidence before the Special Committee in Cairo (A/AC.145/RT.32 and RT.33/Add.1).

93. Mr. Ragheb Abdul Nasi Ahmed Abu Ras (A/AC.145/RT.20), twenty-five years old, of Bireh, was arrested on 11 October 1967, suspected of being a fedayeen, and then again arrested on 12 July 1968. The circumstances of his arrest on

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11 October 1967, as described by him, were that an Israeli detail under Major Yakub Sapir entered his house, searched it and removed him under custody to the Ramallah Military Governor's office, where there were several intelligence officers, among them Major Ramy. Mr. Abu Ras stated that he was hanged by one of his arms from the ceiling of his cell with his feet dangling in the air just above floor level. He was beaten by Colonel Abu Zlika and was subjected to electric shock treatment. He stated that at Ramleh Prison he saw others who had been severely tortured, namely, Taysir Quba'a, As'ad El As'ad, Ishak El Maraghi and Dr. Abdel Aziz Shanir. Dr. Shahir was beaten so badly that he was given up for dead. Abu Ras with two others, namely, Hisham Sa'udi and Mahmud Jabir, was asked to carry him out and wash him for burial.

94. Mr. Abu Ras stated that he was beaten daily for about twenty days. The persons responsible were mentioned by him as Major Elja, Major Koulsky and Major Zaki. He was taken to Sarafand Prison. He also described in detail the forms of torture he received: garbage was thrown at him; he was prevented from sleeping by being hanged by a chain round the waist; he was compelled to eat large quantities of heavily salted fish and then refused water for forty-eight hours, after which he was forced to drink water from his own urine pail; his finger-nails were extracted by forcing his fingers through door hinges and closing the door slowly until blood spurted from his nails; he was stripped, his body sprinkled with water and he was then beaten. Another form of torture was to put a serpent on his body in a manner which he considered too obscene to describe. He was bound firmly to a chair and his head secured in a manner which prevented him from moving it. A can with a hole bored in its bottom was placed above his head and water poured into it so that it would drip on to his head steadily; every drop, he stated, being like the blow of a hammer. He maintained that all this ill-treatment was applied in an effort to get him to incriminate Professor Yakub Obedi.

95. Mr. Abu Ras stated that he was seen by a member of the Israeli Knesset, Mr. Emil Habibi, who was accompanied by lawyers Aly Rafi and Felicia Langer. They saw the torture marks on his body. Witness Abu Ras stated that Mr. Emil Habibi had raised his case in the Israeli Knesset and that the proceedings of the Knesset

were published in Al Ittihad in one of its December 1968 issues. He also stated that Amnesty International had his medical reports and X-rays which were taken at the laboratory of Dr. Hassan Abdul. He was treated by Dr. Walid Bakir of Amman immediately after his arrival in Amman.

96. Mr. Youssef Muhammad Salahat (A/AC.145/RT.21), eighteen years old, student of the village of Far'ac in Talouza District, appeared before the Special Committee on the second day after his release from prison in Israeli occupied territory. His physical condition, attributed to the ill-treatment he received in prison, and his frank demeanour, left no doubt in the Special Committee's mind as to his veracity. He said that he was in Karameh in March 1968 when Israeli forces attacked it. The population was ordered to assemble in the local school ground where there were persons in disguise, who, the witness said, were collaborators and did not wish their identity to be known and who were asked to point out the persons who, apparently, were suspected of being involved in the resistance. Some 250 persons were subjected to ill-treatment at Basra Camp (electric-chair and water-hose treatment). At Sarafand Prison they were chained to the wall by their hands and kept hanging in that position with their feet dangling above the floor. Witness Salahat mentioned the case of a greengrocer, Najah Muhammad Issa Khattab, who was buried alive right up to the neck and had salt stuffed into his mouth. Witness Salahat saw this treatment himself. He said that it was meted out to Khattab for about half an hour at a time. The case was taken up by the International Committee of the Red Cross and Najah Muhammad Issa Khattab was sent to Cairo and admitted to hospital. According to witness Salahat's reckoning, the incident had taken place about October 1969. This evidence is corroborated later on.

97. Witness Salahat stated that he had been released in April 1970, just before he gave evidence. He was released and sent to Jordan through the International Committee of the Red Cross. His physical condition was very poor and he could scarcely stand erect. At one stage, while giving evidence, he appeared to be on the verge of collapse. Witness Salahat said that he was allowed to see representatives of the International Committee at his request, though not always. He also said quite frankly that he was allowed to see them alone. He could not recall the days of their visits but indicated that they fell within the period of

his imprisonment, that is between March 1968 and April 1970. He was allowed to see them in Jenin but not in Sarafand Prison or other places of torture which were out of bounds to the International Committee's representatives.

98. Mr. Suleiman Muhammad Sheikh-Eid (A/AC.145/RT.24), a thirty-seven-year-old tailor of Beersheba, stated that on 16 July 1970, six Israeli soldiers entered his house and accused him of being a terrorist. One soldier, on the order of his officer, struck him with a meat axe on his head. He said that he lost his eye on the spot. The fingers of his right and left hands were crushed. He was sent to Shefa Hospital in Gaza and spent five months there. It is an Arab hospital and Arab doctors attended on him. They were Dr. Ahmed, Dr. Jihad and Dr. Rahman. On his discharge from the hospital, he was sent to prison where he was kept three months before being expelled to Amman. He was not able to get a medical report from the hospital. At the time of the incident, he was in what he and other witnesses called "X camp" in the Gaza Strip, an UNRWA establishment. There were UNRWA officials around at that time. Later on he discovered that about 600 houses (or huts) in the camp had been destroyed on the very day on which he had been assaulted by the Israeli soldier with the meat axe. He cited as UNRWA employees who were aware of the situation there, an UNRWA camp supply officer named Yussef Faragh, a Christian, and an UNRWA inspector of schools and sanitation, Audi Abu Adra, who was a Mukhtar.

99. The Special Committee observed that witness Sheikh-Eid had a vertical scar about an inch and a half long over his right eye, on his forehead, that his right eyeball was missing, and that the fingers of his right and left hands had been crushed. It was a case of horrible injury. The evidence is circumstantial and the allegations can be substantiated only by reference to hospital records and other witnesses.

100. Najeb Mohammed Issa El-Khattab (A/AC.145/RT.23), who was mentioned by witness Yussef Hafez Muhammad Salahat, stated in evidence that he was a greengrocer of Borj in Ramallah District. He was arrested at Karamah on 21 March 1968, taken to Sarafand, given serial number 372 and interrogated by an officer named Abu Moussa, whose name was mentioned by other witnesses as well. He was beaten, bound by his

hands to the bars of a window with his feet dangling in the air above floor level, blindfolded and had dogs unleashed on him. He was buried in a grave right up to his neck. He stated further that when he was in Jenin Prison officials of the International Committee of the Red Cross visited him. Prisoners who complained to the International Committee were Ahmed Rashid, Muhammad Abd Rahim, Jabr Shelbayeh, Abdel Majid Awad. They were taken to Ramleh.

101. Mr. Othman Abdul Hadj Al Aaraj (A/AC.145/RT.23) was living in the UNRWA camp at Shaffat at the time of the June 1967 hostilities. He presented a written statement which forms part of our record (J-55). On his release from prison, he was seen by Dr. Subhi Gosh at the UNRWA Shaffat Camp clinic. His case was taken up in the Israeli Knesset by Mr. Emil Twefik Habibi and formed the subject of an article in the January 1969 publication of Al Jihar, described as a communist journal. He had been arrested on 1 May 1968. Lawyer Felicia Langer was retained by his family to institute proceedings for his release. On 17 September 1968, he was put on trial. Two medical reports on him, one from Dr. Subhi Gosh and the other from Dr. Jabr Al Aaraj of the French hospital in Jerusalem, were handed to lawyer Felicia Langer. Witness Al Aaraj confirmed the evidence regarding the imprisonment of Abila Taha and two other women, Sarah Judah and Luftia el Hawari, in a cell with a group of Israeli prostitutes.

102. Mr. Munir Abdullah Ghanam (A/AC.145/RT.23) was living in Nablus during the hostilities, was arrested on 20 October 1969 along with two others, Jihar and Ahmed, in a region called Shashaha south of Damiya Bridge. While he was in Ramleh Prison hospital he met Mahmoud El Halhuli of Halhul, who had lost one eye in action after June 1969 and stated that his other eye had been gouged out by his Israeli captors. Also in what he called the "X cell" in Ramleh, witness Ghanam had met Abd el-Allah Khaled Munir el Nabulsi and was with him for about a month. Witness Ghanam said that el Nabulsi suffered a nervous breakdown as a result of the barbarous treatment he had received, and that Dr. Cohen, Israeli military physician in Ramleh, decided to transfer him to a ward for mental patients within the prison.



103. Dr. Kamal Gobriel (A/AC.145/RT.26), who at the time he gave evidence was attached to the Dar es Salaam Hospital in Cairo, stated that he was on the staff of El Arish Hospital, about 160 miles from Qantara, during and after the 1967 hostilities. Many cases of torture were sent to El Arish Hospital but they were not allowed to keep any records. Names of patients were registered in the hospital but the register is in Israeli hands. Dr. Gobriel stated that he had informed the representative of the International Committee of the Red Cross, Mr. Hunch, of the cases of torture that had come to his attention.

104. Mr. Mohammed Abdel Kadir Derbas (A/AC.145/RT.26) was a medical attendant at Dar El Shefah Hospital in Gaza when he was arrested on the second day after the hostilities and taken to Atlit Prison, where he spent four months. He described how Dr. Mordechai performed an operation to castrate him. When he recovered from the effects of the anaesthetic, his attention was drawn to the organs that had been removed from him in the course of the operation and which were displayed in front of his bed. This case is mentioned because witness Derbas was examined at the instance of the Special Working Group of Experts when they visited Cairo.

105. The allegation of serious ill-treatment of prisoners and detainees is also supported by the report of the investigation carried out by Amnesty International. The investigation was conducted inside the occupied territories and corroborates in detail the accounts of ill-treatment described by witnesses appearing before the Special Committee. On this subject, a member of the Executive Committee of Amnesty International, Mr. Arne Haaland, stated in an interview reported in the Norwegian newspaper Arbeiderbladet on 4 April 1970:

"We never claimed that the allegations about torture had been proved... but we have in our possession very extensive material to support the assumption that torture does in fact occur.

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"We have rarely - if ever - had such reliable material on which to base the establishment of the fact in relation to torture taking place - or not taking place - in a particular country."

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106. The Arab Red Cross and Red Crescent Societies presented a publication entitled "Violations of the Geneva Conventions of 1949" to the twenty-fourth International Conference of the Red Cross held at Istanbul, Turkey, in September 1969. This publication quotes reports of torture made by the International Committee of the Red Cross concerning, in particular, Hebron, Jenin and Tulkarm Prisons. In the report concerning the Hebron Prison, dated 31 October 1968, the delegate of the International Committee of the Red Cross is quoted as stating: "It came to light during our interviews with the prisoners that the treatment they received during interrogation was brutal." A number of prisoners who showed scars of brutal treatment were named by the delegates.

107. Another report concerning Nablus Prison, dated 26 February 1968, states:

"A number of detainees have undergone torture during interrogation by the military police. According to the evidence, the torture took the following forms:

1. Suspension of the detainee by the hands and the simultaneous traction of his other members for hours at a time until he loses consciousness.
2. Burns with cigarette stubs.
3. Blows by rods on the genitals.
4. Tying up and blindfolding for days (in one case for seven days).
5. Bites by dogs.
6. Electric shocks at the temples, the mouth, the chest and testicles."

108. None of the reports quoted in this publication have been refuted and this, together with the evidence before the Special Committee, leads it to believe that there is, in several prisons, especially in Sarafand Camp, a regular practice of ill-treating inmates. Such ill-treatment is prohibited by the Universal Declaration of Human Rights in article 5, which states:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Articles 31 and 32 of the Fourth Geneva Convention expressly prohibit torture and ill-treatment.

109. The Special Committee received considerable evidence concerning persons in administrative detention. These persons are often detained without intimation of charges for indefinite and prolonged periods. A witness from Israel (A/AC.145/RT.40 and 41) quoted what he described as official Israeli statistics according to which, at the end of May 1970, over 1,200 persons were being detained under administrative orders.

110. The Special Committee does not contest the right of the occupying Power, as provided for in the Fourth Geneva Convention, to safeguard its security and, if necessary, to restrict the freedom of certain individuals who pose a threat to its security. However, the evidence before the Special Committee shows that this power is being abused in that it is exercised far too freely and that administrative detainees and ordinary prisoners are treated alike. Indeed, in the Special Committee's view, ordinary prisoners are, in theory at least, in a better position than administrative detainees, since they have the right to trial and would therefore be informed of the charges against them and benefit from whatever protection legal procedure might afford. The Security Instructions promulgated by the Israel Defence Forces in the occupied territories provide for the establishment of an "Advisory Committee" with the following functions:

"... to examine any appeal against an order made under this article and to submit its recommendations to the military commander concerning such appeal. If a person is detained under this article, the committee shall make a judgement on his detention at least once in six months, whether or not the detained person appeals to it".

In the Special Committee's opinion, this "Advisory Committee" does not afford the same protection as the ordinary courts, as the person concerned is at no point made aware of the charges against him. To speak of an "appeal" in such circumstances is therefore a self-evident contradiction.

111. The Special Committee is of the view, on the basis of the evidence before it, that the present procedures leading to administrative detention are unsatisfactory and in practice merely permit arbitrary arrest of persons and their detention for indefinite, prolonged periods.

(d) Ill-treatment of civilians

112. Several persons who were forcibly ejected from the villages in the Golan Heights testified as to their ill-treatment at the hands of the Israeli forces when they were being evicted from their homes and villages. In a number of cases it was stated that groups of individuals were picked out and summarily killed (A/AC.145/RT.12, 13, 14 and 15). Even allowing for the fact that this eviction took place immediately after the cease-fire and that it was carried out by troops still under the influence of military victory, such treatment of civilians, who were clearly not members of enemy forces, is inexcusable. The Special Committee is not in a position to verify these allegations of ill-treatment of civilians; however, the consistency of the accounts given by several witnesses leads the Committee to the conclusion that there were indeed a number of instances where civilians were treated with unnecessary severity.

113. Mr. Hussein Muhammad Maatouk (A/AC.145/RT.12) of Talaner District stated that after the fighting ceased there was confusion and panic; Israeli forces entered his village with bulldozers and demolished and destroyed everything, including cattle sheds and livestock. The village contained about 16,000 inhabitants. The witness gave three instances of indiscriminate destruction of lives or murder. The first instance was the case of four old women, some of them relatives of his, who perished when their homes were dynamited by Israeli forces. They were all in their eighties. The names of the victims as given by the witness were: Nimri Maatouk, Saada Sleiman, Lazha Khefes and Hamdi Hussein. In regard to the second instance, Mr. Maatouk mentioned that Israeli forces lined up about fifteen young men at about seven o'clock in the morning of the day of their entry into the village after the cease-fire had come into operation, and shot them in full view of the assembled villagers. This happened three days after the promulgation of the cease-fire. Mr. Maatouk gave the names of some of the victims as: Shehade el-Ali, Abdel Hamid el-Awad, Muhammed el Mahmud, Ali Barakat and his brother Hael Barakat; Hamdi Sharki, Nasr el-Hamud, Ahmed el Faur, Fadil Ibrahim, Sleiman Fandi of the Iban tribe, Yasim Muhammad of the Habur tribe and Muhammad el Attiya of the Kedarria tribe.

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114. The third instance occurred when the villagers were being driven out of the occupied area at machine-gun point and were about one and a half kilometres from the border. At this point, according to Mr. Maatouk, about seven or eight persons of the group "broke ranks" and rushed to a water-point, and were shot by the Israeli troops. The names of the victims were: Hassan el-Khatib, Awad el Saleh, Muhammad Hussein Ali, Nayif el Meanel Muhammad Mahmoud, Khalid el-Dib, Muhammad Hussein Mustapha, Musa Ahmen Radwan, of the Iban tribe. Mr. Maatouk, questioned by the members of the Special Committee, stated that on reaching the cease-fire line they were not met by any persons in authority nor did they have any contact with representatives of the International Committee of the Red Cross.

115. Mr. Mahmoud Nasr Fares (A/AC.145/RT.12) of the village of Almine stated that about twenty days after the fighting ceased, Israeli forces entered his village and destroyed the houses and crops. When villagers refused to abandon their cattle and property, four young men were selected and summarily shot. Among them was his brother Ali Nasr Fares. The other victims were Mahmoud Djasem Ahmed Hassan el Ali and Issa Mahmoud Khalil.

116. Mr. Ahmed Dawas (A/AC.145/RT.12), Mukhtar of the village of Massakieh near Bteiha, a village separated from Israeli territory by a river, spoke of the entry of Israeli forces into the village after the cease-fire, the stripping of their houses of all their furniture and contents, general looting, intimidation of the population and demolition of houses (in all 120 to 150), sometimes with the occupants in them. He named five such cases of very elderly persons, namely Matar Mahfouz, Shahada Omar, Salal el Brahim, Durfa Mahmoud and her invalid sister Nokha Mahmoud. Mr. Dawas stated that the villagers were driven out to Houran.

117. Miss Eisha Awad Hegazi (A/AC.145/RT.26), twenty years old, housewife living in El Arish at the time of the 1967 hostilities, stated that about two weeks after the war, a group of Israeli soldiers entered her house and started firing at random. They shot and killed her father, a man called Araby and Araby's daughter. She herself received gun-shot injuries in the arm and knee. After some delay, she was able to go to El Arish Hospital, where she was treated by Dr. Kamal Malik Gobriel (A/AC.145/RT.26), who has already been mentioned. At El Arish Hospital her arm

was amputated. She was transferred from there, through the International Committee of the Red Cross, to Helwan Hospital in Cairo. Dr. Gobriel corroborated Miss Hegazi's version and stated that the amputation was performed by Dr. Helmy Sadek.

118. Miss Kamilia Kamel Suleima El-Zerbawi (A/AC.145/RT.27), a sixteen-year-old student who was living in El Arish and left the area on 15 November 1967, stated that an Israeli detachment entered her house a few days after the hostilities and started firing at random. Her father, two cousins and her aunt's husband were killed. She sustained bullet wounds in her head, hands and feet. This incident occurred at about nine o'clock in the morning. Her two cousins who were killed were Namdour Mahmoud El-Zerbawi and twenty-year-old Numir. The persons injured were she herself, her father, her younger sister and one female cousin. Witness Kamilia El-Zerbawi stated that she was taken to El Arish Hospital the next day and the bullet was removed by Dr. Dafrawi. She remained in El Arish Hospital for fifteen days and was then transferred to Dar El Shefah Hospital in Gaza, where another operation was performed. The Special Committee noticed that she had a two-inch scar of an injury on the right side of the head above the ear, and also that her left hand and left leg were paralysed.

119. Dr. Mahmoud Suleiman Elbaik (A/AC.145/RT.27), forty years old, Director of the School Medical Association in El Arish at the time of the June 1967 hostilities, stated that he ran his own private clinic and was a medical officer attached to El Arish Hospital. Witness Kamilia Kamel Suleima El-Zerbawi was brought to the hospital with a fracture of the skull on the right side and was suffering from hemiplegia of the left limb, lower and upper, a paralytic condition forty-eight hours old and critical. Dr. Elbaik said that the surgeon, Dr. Dafrawi, examined Kamilia and operated on her for the fracture of the skull. The left hemiplegia was due to a depressed fracture on the right side of the skull.

120. Mr. Abdel Rahim Ali El Damarani (A/AC.145/RT.29), Headmaster of Mustapha Kamal School in El Arish, a primary school of about 600 pupils between the age of six and twelve years, stated that Israeli soldiers entered his house and fired at the occupants with machine-guns. Two of his children, sixteen-year-old

Abdel Alvin Abdel Rahim and eleven-year-old Mahmoud Abdel Rahim, fell dead. His seventeen-year-old daughter, Soad Abdel Rahim, was also injured while his six-year-old son Mustapha was shot in the leg. This incident occurred at about 9 a.m. between 15 and 16 June 1967. He took the injured to El Arish Hospital and saw Dr. Gobriel and Dr. Onsi. An operation was performed on his daughter Soad for the amputation of her left arm at the shoulder by Dr. Sadek. The daughter Soad appeared before the Special Committee. Her left arm had been amputated at the shoulder. The son, Mustapha, was brought to the Special Committee and showed the mark of a bullet wound on the right leg. Dr. Gobriel corroborated the statement regarding the injury and stated that Dr. Sadek performed the amputation on Soad's arm.

121. Another case of ill-treatment of civilians to which the Committee would draw attention is that of Mr. Mansi Salama El Far, who was alleged to have been beaten, stoned and shot by Israeli soldiers in El Arish in September 1967. Mr. El Far is said to have subsequently died of his wounds. His colleague, Mr. Nagdi Hussein Gilbanah, was similarly ill-treated (A/AC.145/RT.30). This account was corroborated by several eyewitnesses including the father of Mr. El Far, who witnessed the incident (A/AC.145/RT.28), the mother, who was in the vicinity (A/AC.145/RT.30), and his cousin, who claims to have heard an account of the incident from two or three other persons who were eyewitnesses (A/AC.145/RT.34) and who testified before the Special Committee, including Dr. Mahmoud Soliman El Baik (A/AC.145/RT.27) of El Arish Hospital who treated the two young men. The Special Committee has no reason to reject these allegations.

122. The Special Committee would draw attention to part III, sections I and II, of the Fourth Geneva Convention, which lays down the norms for protection of civilians.

(e) Destruction and demolition of houses and buildings, confiscation and expropriation of property

123. The Special Committee heard several allegations of destruction of houses and buildings, expropriation and confiscation of property. These measures were alleged to be part of a deliberate policy of the Israeli authorities designed to

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demoralize the inhabitants of the occupied territories to the point of abandoning their homes. This aspect of the allegations has been dealt with in part C of this chapter.

124. The Committee received evidence concerning destruction of houses that took place in Jerusalem in order to clear certain areas. This was preceded by confiscation or expropriation of the land on which the houses were constructed. The destruction that went on in Jerusalem is now a matter of public record and the evidence brought before the Special Committee confirms the fact that this has taken place, that those responsible for this destruction are the Israeli authorities, and that the victims are the civilian Arab population of Jerusalem.

125. The Special Committee also heard repeated allegations concerning the systematic destruction of certain villages in the Golan Heights area. In this region the pattern that was followed usually started with concentrating the civilian population in a particular spot, herding them out of the village and destroying the village soon after, usually within sight of its inhabitants (A/AC.145/RT.12, Mr. Maatouk, village of Deir El Bteha; Mr. Dawwas, village of Massakieh; Mr. Nassif, village of Hafar; A/AC.145/RT.16, Mr. Ibrahim, villages of Derbahiya and Saiyada). The destruction of these villages took place after the cease-fire and the Special Committee is of the opinion that the evidence tends to show that the eviction and demolition of this area were part of a policy designed to clear this part of the Golan Heights permanently of its civilian inhabitants.

126. The Special Committee recalls the mass destruction of the three villages in the Latrun area - Yalu, Emwas and Beit Nuba - which were completely razed to the ground and whose inhabitants were dispersed. The Government of Israel is said to have offered alternative accommodation to the inhabitants of these villages in another area, but the Special Committee has not been able to verify these reports. The Special Committee acknowledges that these reports, if correct, show that the Israeli authorities are aware of the problem created by this destruction. It strongly urges that these villages be rebuilt and that the inhabitants be allowed to return to their homes.

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127. In the report of the Deputation to the Middle East of the National Council of Churches of Christ, United States of America (19-31 July 1968), it is stated on the subject of Yalu, Emwas and Beit Nuba:

"... that there is no plan to rebuild the three villages or to return the inhabitants to their lands. No other example of so drastic an effort to change geography and political history was observed".

128. It appears to the Special Committee that in many instances destruction was unwarranted, as evidenced in the case of the village of Suris, which was completely wiped out at the opening of the hostilities of 1967. Suris had been the site of an ambush in which Israelis had been killed nineteen years earlier. Such acts of deferred vengeance cannot but produce unnecessary suffering and can only widen the gap between occupier and occupied.

129. Destruction of property is prohibited by article 53 of the Fourth Geneva Convention. Certain derogation clauses in other articles (inter alia, 5 and 53) make some exceptions to this prohibition. These exceptions are based on considerations of military necessity. The Special Committee is of the opinion that there is no question that with regard to the destruction of these three villages, refuge cannot be taken behind these exceptions.

130. The commentary on the Fourth Geneva Convention states the following with regard to article 54:

"The occupying forces may... undertake the total or partial destruction of certain private or public property in the occupied territory when imperative military requirements so demand.

"Furthermore, it will be for the occupying Power to judge the importance of such military requirements. It is therefore to be feared that bad faith in the application of the reservation may render the proposed safeguard valueless; for unscrupulous recourse to the clause concerning military necessity would allow the occupying Power to circumvent the prohibition set forth in the Convention." 8/

131. The Special Committee considers that in the case of the three villages of Yalu, Beit Nuba and Emwas, Israel had "unscrupulous recourse" to military necessity in carrying out this wanton destruction.

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8/ Commentary: IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva, International Committee of the Red Cross, 1958), p. 302.

(f) Looting and pillage

132. In his report to the Secretary-General, Mr. Nils Gussing, Special Representative appointed by the Secretary-General in implementation of Security Council resolution 237 (1967) of 14 June 1967, referring to the Golan Heights immediately after the hostilities of June 1967, stated that looting had taken place in some areas and, in particular, in Kuneitra.<sup>9/</sup> Mr. Gussing stated in paragraph 33 of his report that:

"... on the strength of reports received from different sources, the Special Representative felt reasonably sure that the responsibility for this extensive looting of the town of Kuneitra lay to a great extent with the Israel forces, and he expressed this view to the Israel officials accompanying him during his tour of the city."

133. The evidence heard by the Special Committee indicated that the villages of Talhamer, Almine, Derbahiya and Saiyada were the scene of widespread looting by Israeli forces (A/AC.145/RT.12, Mrs. Saleh, Mr. Fares, Mr. Dawwas; A/AC.145/RT.14, Mr. Zindaki, Mr. Kader; A/AC.145/RT.15, Mr. Awad; A/AC.145/RT.16, Mr. Ibrahim and Mr. Abu Lail). In addition to these cases, the Special Committee received evidence of similar incidents, most of which took place immediately after the cessation of hostilities and in connexion with the entry of troops into an area.

134. Article 33 of the Fourth Geneva Convention prohibits pillage and in this sense it may be said that there have been a number of violations of this provision of the Convention. The evidence before the Special Committee, however, does not justify the conclusion that it was the practice of the occupying Power to loot and pillage the occupied territories.

2. Allegations concerning institutions

(a) Policies and practices constituting interference with economic and social life and repugnant to religious susceptibility

135. Mr. Youssef Sayegh (A/AC.145/RT.10) testified before the Special Committee that the occupation was having a serious effect on the economic life of the territories. He alleged that such acts as collective punishment and destruction of homes were having an adverse effect on the economic life of the occupied territories.

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<sup>9/</sup> Official Records of the Security Council, Twenty-second Year, Supplement for October, November and December 1967, document S/8158, paras. 31-34.

136. It was alleged before the Special Committee that the occupation authorities had imposed the same taxes in the occupied territories as in Israel itself and that since the standard of living in the occupied territories was lower than in Israel, the inhabitants of these territories were unduly burdened. It was testified before the Special Committee that hotels in towns like Ramallah, which were flourishing before the occupation, were after the occupation no longer able to pay their own way (A/AC.145/RT.18, Zarou). In Gaza, the interference of the occupation authorities had virtually ruined the citrus fruit business (see reply of the United Arab Republic Government concerning Gaza in annex V to this report).

137. One witness, Mr. Gideon Weigert (A/AC.145/RT.37), testified that the economic situation in the occupied area had improved since the occupation and that the Israeli authorities had done much to better the conditions that existed in the occupied area before 1967.

138. The Special Committee is not in a position to determine the exact extent to which the occupation has affected the economic situation in the occupied territories as it had no opportunity of visiting the area. The evidence before the Special Committee, however, shows that the occupation had a disruptive effect on the economy of the occupied territories.

139. The Special Committee heard evidence concerning alleged interference with religious matters as well as allegations of practices offensive to the religious susceptibilities of the inhabitants of the occupied territories. Sheikh Abdul Hamid Es-Sayeh, Mufti of Jerusalem (A/AC.145/RT.17), informed the Special Committee that the occupation authorities had interfered in Moslem religious matters. Bishop Simaan, Roman Catholic Auxiliary Bishop and Vicar General for the Patriarch of Jerusalem and the East Bank, testified to instances of desecration of holy places including the Church of the Holy Sepulchre. He also mentioned a case of looting of sacred figures and produced photographs to illustrate the acts of desecration and vandalism.

140. The evidence mentioned in the preceding paragraphs, together with the other allegations on the same subject made before the Special Committee, shows that there exists a distinct lack of respect for the religious susceptibilities of the inhabitants of the occupied territories.

141. The Special Committee also heard evidence concerning interference by the Israeli authorities in education matters. It has not been able to determine the

exact nature of this interference, but it is aware that changes in curricula of the schools in the occupied areas were imposed. The Special Committee heard allegations of undue pressure being brought to bear on teachers. It notes that among those persons deported for alleged security reasons there are a number of teachers. The Special Committee is unable to state whether this interference with the curricula and the teachers in the occupied territories assumed alarming proportions, but it feels that proper steps should be taken without delay to regulate the education in the schools in the occupied territories in conformity with the provisions of the Fourth Geneva Convention (article 50).

(b) Interference with the judicial system, including legal aid

142. The Special Committee has examined the proclamations and orders promulgated by the occupation authorities in the occupied territories and finds that the Israeli authorities have seriously hampered the functioning of the court system by transferring the Court of Appeal in Jerusalem to Ramallah. This transfer provoked a reaction on the part of the judiciary that brought activities of the Court of Appeal to a standstill.

143. The Special Committee is concerned at the lack of legal assistance for persons who are in detention. It appears to the Committee that the only legal assistance that is available to persons accused of offences against security is rendered by one office, which has three or four lawyers working in it.

144. The Special Committee commends the work carried out by the members of this office. It could not help but note that the number of cases where legal assistance was needed far exceeded the resources of counsel available for this purpose.

#### IV. RECOMMENDATIONS

145. The Special Committee, having examined the evidence presented to it, has arrived at the conclusion, expressed in the preceding chapter, that the Government of Israel is pursuing in the occupied territories policies and practices which are in violation of the human rights of the population of those territories.

146. The Special Committee considers that in this case the fundamental violation of human rights lies in the very fact of occupation. The Committee therefore finds it almost impossible to separate the specific policies and practices applied to particular individuals, groups or areas from the broad context of the occupation itself. The ideal manner in which violations of human rights could cease would clearly be by the termination of the occupation itself. It must be recognized, however, that while the occupation lasts, the occupying Power has both a legal and a moral obligation to implement the Third and Fourth Geneva Conventions - an obligation which it voluntarily assumed and which it cannot avoid merely by declaring that the question is an "open" one.

147. The Special Committee has examined the existing arrangements for the enforcement of those Conventions and has come to the conclusion that they are totally inadequate. Under these arrangements, allegations that the provisions of the Conventions have been violated cannot be completely or exhaustively investigated, and it is possible for valuable evidence to be overlooked or even withheld. Such an investigation can be effective only if the Government concerned extends its full co-operation.

148. A primary difficulty affecting the implementation of the Geneva Conventions in this case is the absence of an effective Protecting Power. The Conventions assign certain functions to the Protecting Power, some of which have been assumed in the present case by the International Committee of the Red Cross. But the Red Cross can hardly be expected to be as effective in this role as a true Protecting Power.

149. The International Committee of the Red Cross, despite its laudable efforts to provide humanitarian assistance, has not been authorized, staffed or equipped to deal adequately with allegations of violations of the Geneva Conventions, and is precluded by its own policies from publicizing the facts in such cases or

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from criticizing, even by implication, the Governments concerned. This is particularly true with regard to allegations of maltreatment of prisoners held under security regulations in Israel and in the occupied territories, to whom Red Cross officials have been denied access. Wide publicity to the results of investigations by an independent and impartial authority might at least ensure that the power of public opinion could provide some slight deterrent to persistent and continuing breaches of the Geneva Conventions.

150. For these reasons, the Special Committee has decided to propose an arrangement whereby the Third and Fourth Geneva Conventions will be enforced and commends this arrangement to the States concerned in the Middle East conflict for their acceptance.

151. The success of such an arrangement must depend on the willing admission by the States concerned of the principle of supervision by an independent authority and on their readiness to grant such an authority freedom of operation in the spirit of the Geneva Conventions. The first requirement is to have the Governments concerned carry out their obligations existing under the Geneva Conventions. Secondly, it is necessary that the Governments be prepared to respect the recommendations resulting from any investigation carried out in this context.

152. In the meantime, in order to spare the civilian population and the prisoners of war in the area of conflict in the Middle East further suffering, the weight of international public opinion should be brought to bear on the Government of Israel to apply forthwith the principles declared in Security Council resolution 242 (1967), and in conformity with that resolution to withdraw Israeli armed forces from the occupied territories and to bring the occupation to an end.

153. The Government of Israel should also be called upon to desist from practices and policies in violation of human rights, to prevent acts of violence and hostility directed against the population of the occupied territories and to observe without reservation the norms of humanitarian conduct recognized, established and ordained by the Third and Fourth Geneva Conventions and the Universal Declaration of Human Rights and which have received fresh endorsement in the International Covenant on Civil and Political Rights which is not yet in force.

154. The Government of Israel should further be requested by the General Assembly:

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- (a) To permit, unconditionally, all persons who fled the occupied territories, or who were deported or expelled therefrom, to return to their homes;
- (b) To cease immediately, and to prevent, all policies and practices of collective punishment, such as the destruction of property, imposition of excessively harsh curfews and mass arrests;
- (c) To make full compensation for property destroyed, and to effect restitution of property confiscated, in violation of the Fourth Geneva Convention;
- (d) To cease immediately, and to prevent, the torture and ill-treatment of prisoners of war and of persons imprisoned or detained under the laws and regulations relating to the occupation, and to apply to all such categories of persons the provisions of the Third and Fourth Geneva Conventions and of the United Nations Minimum Rules for the Treatment of Prisoners;
- (e) To bring to an end the indefinite and prolonged detention without trial of all persons, including those detained under security regulations and those under administrative detention, by releasing them or affording them a fair trial in accordance with the provisions of the Geneva Conventions;
- (f) To reform the procedures and conditions of administrative detention in conformity with the relevant provisions of the Geneva Conventions;
- (g) To refrain from attempts at compelling the inhabitants of the occupied territories to collaborate with the occupation authorities;
- (h) To discontinue the policy of establishing Israeli settlements in the occupied territories, and to withdraw all Israeli settlers from settlements already established;
- (i) To eliminate, and refrain from the creation of, social and economic conditions which result in the departure of the inhabitants of the occupied territories from their established homes and communities;
- (j) To refrain from harassment and arbitrary deportation of leaders and intellectuals from among the inhabitants of the occupied territories;
- (k) To rescind Israeli legislation in force in the occupied territories and which is repugnant to the provisions of the Third and Fourth Geneva Conventions;
- (l) To repeal all measures taken to alter the status of occupied Jerusalem and to restore it to the status subsisting before the outbreak of hostilities;

(m) To restore the judicial system in the occupied territories to the status which it enjoyed before the occupation and in particular to return the Court of Appeal of Jerusalem to its seat in Jerusalem;

(n) To investigate all the allegations brought to the notice of the Committee concerning ill-treatment of civilians and detainees, particularly those persons detained under security regulations, access to whom is denied to Red Cross officials, and those purportedly held under administrative detention, and to take appropriate remedial measures.

155. Without prejudice to the recommendations made above, and having regard to the existing political attitudes of the parties to the conflict vis-à-vis one another, the Special Committee, having in mind the urgent need for providing a workable mechanism to ensure the safeguarding of the human rights of the population of the occupied territories, proposes as a temporary practical measure that the General Assembly recommend to the States whose territory is occupied by Israel that they 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. In the special circumstances prevailing in the occupied territories where there is a large population which has not yet been given the opportunity of exercising its right of self-determination, it is necessary to make suitable arrangements for the proper representation of their interests. The Special Committee recommends that the General Assembly take this fact into account in implementing this recommendation. In the spirit of the Geneva Conventions, which require that any such arrangement be acceptable to all parties concerned, the Special Committee would recommend that a neutral State or organization, nominated by Israel, be associated in this arrangement. The Special Committee further proposes that the General Assembly call upon Israel to accept such an arrangement and to provide all the facilities necessary for its effective functioning consistent with the provisions of the Third and Fourth Geneva Conventions. The State or States or international organization duly nominated under this arrangement 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 those 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.

156. The Special Committee feels that until such an arrangement is made, it should continue its work. For this purpose the Committee would require certain facilities to enable it to keep abreast of developments in the occupied territories which have a bearing on the protection of the human rights of the population of those territories, to receive allegations and evidence of violations of those rights, to conduct studies of relevant developments as they occur, and, if necessary, to return to the Middle East for further work in execution of its mandate.

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V. ADOPTION OF THE REPORT

157. Approved and signed by the Special Committee in accordance with rule 20 of its rules of procedure as follows:

(Signed) H.S. AMERASINGHE (Ceylon)  
Chairman

(Signed) A.A. FARAH (Somalia)

(Signed) B. BOHTE (Yugoslavia)

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ANNEX I

RESOLUTION 2443 (XXIII) ADOPTED BY THE GENERAL ASSEMBLY AT ITS  
1748TH PLENARY MEETING ON 19 DECEMBER 1968

2443 (XXIII). Respect for and implementation of human rights in occupied territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,<sup>a/</sup>

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country, and recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967, Commission on Human Rights resolution 6 (XXIV) of 27 February 1968<sup>b/</sup> and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, in which those United Nations organs called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who have fled the area of military operations since the outbreak of hostilities,

Recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel,<sup>c/</sup>

Recalling also Security Council resolution 259 (1968) of 27 September 1968, in which the Council expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of Council resolution 237 (1967),

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a/ United Nations, Treaty Series, vol. 75 (1950), No. 973.

b/ See Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), chapter XVIII.

c/ Ibid., para. 400.

Noting resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968,<sup>d/</sup> in which the Conference, inter alia:

(a) Expressed its grave concern at the violation of human rights in Arab territories occupied by Israel,

(b) Drew the attention of the Government of Israel to the grave consequences resulting from the disregard of fundamental freedoms and human rights in occupied territories,

(c) Called upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population inhabiting areas occupied by Israel and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949<sup>e/</sup> in occupied territories,

(d) Affirmed the inalienable rights of all inhabitants who have left their homes as a result of the outbreak of hostilities in the Middle East to return home, resume their normal life, recover their property and homes, and rejoin their families according to the provisions of the Universal Declaration of Human Rights,

1. Decides 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;

2. Requests the President of the General Assembly to appoint the members of the Special Committee;

3. Requests the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work;

4. Requests the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

5. Requests the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

1748th plenary meeting,  
19 December 1968.

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d/ See Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2), p. 5.

e/ United Nations, Treaty Series, vol. 75 (1950), Nos. 970-973.

ANNEX II

RESOLUTION 2546 (XXIV) ADOPTED BY THE GENERAL ASSEMBLY AT ITS  
1829TH PLENARY MEETING ON 11 DECEMBER 1969

2546 (XXIV). Respect for and implementation of human rights  
in occupied territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,  
Bearing in mind the provisions of the Geneva Convention relative to the  
Protection of Civilian Persons in Time of War of 12 August 1949<sup>a/</sup> and the  
provisions of the Universal Declaration of Human Rights,

Recalling the humanitarian resolutions regarding the violations of human  
rights and fundamental freedoms in the territories occupied by Israel, especially  
Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of  
27 September 1968, Commission on Human Rights resolutions 6 (XXIV) of  
27 February 1968<sup>b/</sup> and 6 (XXV) of 4 March 1969<sup>c/</sup> and the relevant resolutions of  
the International Conference on Human Rights held at Teheran in 1968, the Economic  
and Social Council, the United Nations Educational, Scientific and Cultural  
Organization and the World Health Organization,

Further recalling its resolutions 2252 (ES-V) of 4 July 1967 and  
2443 (XXIII) and 2452 (XXIII) of 19 December 1968,

Concerned that the provisions of these resolutions have not been implemented  
by the Israeli authorities,

Gravely alarmed by fresh reports of collective punishments, mass imprisonment,  
indiscriminate destruction of homes and other acts of oppression against the  
civilian population in the Arab territories occupied by Israel,

1. Reaffirms its resolutions relating to the violations of human rights in  
the territories occupied by Israel;

2. Expresses its grave concern at the continuing reports of violation of  
human rights in those territories;

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a/ United Nations, Treaty Series, vol. 75 (1950), No. 973.

b/ See Official Records of the Economic and Social Council, Forty-fourth  
Session, Supplement No. 4 (E/4475), chapter XVIII.

c/ Ibid., Forty-sixth Session, document E/4621, chapter XVIII.

3. Condemns such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the territories occupied by Israel;

4. Urgently calls upon the Government of Israel to desist forthwith from its reported repressive practices and policies towards the civilian population in the occupied territories and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations;

5. Requests the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,<sup>d/</sup> established under General Assembly resolution 2443 (XXIII), to take cognizance of the provisions of the present resolution.

1829th plenary meeting,  
11 December 1969.

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d/ The Committee is composed of the representatives of the following Member States: Ceylon, Somalia and Yugoslavia (see A/7495/Add.3).

ANNEX III

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

SECTION I: Constitution of the Special Committee

Status of the Special Committee

Rule 1

The Special Committee considers itself to be a subsidiary organ of the United Nations General Assembly.

Terms of reference

Rule 2

The terms of reference of the Special Committee are those set by the General Assembly in its resolutions 2443 (XXIII) and 2546 (XXIV).

Solemn declaration by members

Rule 3

Upon assuming his duties, each member of the Special Committee shall make the following solemn declaration in open meeting:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Special Committee honourably, faithfully, impartially and conscientiously."

Meetings

Rule 4

(a) Meetings of the Special Committee shall be held, as circumstances may require, by decision of the Special Committee or its Chairman, or at the request of a member of the Special Committee, upon such dates as may be fixed by the Chairman after consultation with the Secretary-General of the United Nations and, if possible, with the other members of the Special Committee.

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(b) Meetings shall be held at United Nations Headquarters unless otherwise decided by the Special Committee in consultation with the Secretary-General, subject to availability of funds, services and facilities, taking into account the relevant decisions of the competent organs of the United Nations on the subject.

#### Quorum

##### Rule 5

A majority of the members shall constitute a quorum for each meeting of the Special Committee unless otherwise decided by the Special Committee. The presence of a majority of the members shall be required, however, for the adoption of the final conclusions, recommendations and final report of the Special Committee.

#### Publicity of meetings

##### Rule 6

(a) The Special Committee shall decide as to the public or private character of each of its meetings or parts of meetings. At the close of each private meeting, the Special Committee may issue a communiqué through the Secretary-General.

(b) Statements or comments to the press shall be strictly avoided, except those agreed to unanimously by the members of the Special Committee. Statements shall be issued on behalf of the Special Committee by the Chairman or by the spokesman appointed by him.

#### Expenditure of funds

##### Rule 7

(a) No decision involving expenditure shall be made by the Special Committee until the Secretary-General has had an opportunity of stating the financial and administrative implications of the proposal.



(b) The Secretary-General will furnish services and facilities within the limits of available administrative and financial resources and, in matters where special decisions with regard to the Special Committee have not been taken by competent United Nations organs, in accordance with regulations, rules, decisions and practices applicable to United Nations organs and bodies.

## SECTION II: Agenda of meetings

### Rule 8

(a) The provisional agenda for all meetings shall be prepared by the Secretary-General in consultation with the Chairman of the Special Committee, in conformity with the terms of reference of the body, and shall include:

- (i) Any item decided upon by the Special Committee at a previous meeting;
- (ii) Any item proposed by the Chairman of the Special Committee;
- (iii) Any item proposed by another member of the Special Committee;
- (iv) Any item proposed by the Secretary-General.

(b) The provisional agenda for each meeting shall be communicated to the members of the Special Committee, whenever practicable, in advance of that meeting.

(c) The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required.

## SECTION III: Officers

### Rule 9

(a) The Special Committee shall elect a Chairman from among its members.

(b) The Chairman shall declare the opening and closing of each meeting of the Special Committee, direct its discussions, and ensure observance of the rules of procedure.

(c) The Chairman, in the exercise of his functions, shall remain under the authority of the Special Committee.

(d) If the Chairman is unable to be present at a meeting, or any part thereof, he shall designate one of the members to act in his place.

(e) The Special Committee shall make such arrangements for the preparation of its report as it deems fit.

#### SECTION IV: Secretariat

##### Rule 10

(a) The secretariat of the Special Committee shall be provided by the Secretary-General.

(b) The Secretary-General or his representative may be present at the meetings of the Special Committee. He or his representative may make either oral or written statements to the meetings of the Special Committee.

(c) The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Special Committee.

(d) The Secretary-General shall be responsible for keeping the members of the Special Committee informed of any questions which may be brought before it for consideration.

#### SECTION V: Languages

##### Rule 11

The working languages of the Special Committee shall be determined by the Special Committee itself.

#### SECTION VI: Conduct of business

##### Rule 12

Subject to the provisions of rule 9 (c), any procedural matter arising out of the conduct of business at meetings of the Special Committee shall be dealt with by the Chairman in the light of the rules of procedure of the General Assembly, in so far as they are relevant.

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SECTION VII: Co-operation with Member States

Rule 13

(a) The Special Committee shall be entitled to consult the representative of any State in respect of any matter relevant to its terms of reference.

(b) The Special Committee shall have the right to request in particular the State directly concerned with the subject of the study or investigation to communicate to it such statements and documents as that State may consider to be useful for ascertaining the facts or as relevant to the issues referred to the Special Committee, as well as a list of witnesses and experts whose evidence the Special Committee may desire to hear.

(c) The Special Committee may invite the State directly concerned with the subject of the study or investigation to be represented by an accredited representative at one, several or all meetings of the Special Committee or parts of such meetings.

(d) States directly concerned with the subject of the study or investigation undertaken by the Special Committee may at their request, or at the invitation of the Special Committee, make statements to it, submit such written material as they may deem appropriate, and address to it written or oral evidence. They may, in accordance with procedures adopted by the Special Committee, put questions to witnesses at hearings conducted by the Special Committee.

(e) The Special Committee may, with the consent of the State concerned, move temporarily to any place in the territory of that State where it considers it may be useful to gather information or to hear witnesses or experts on issues arising out of its terms of reference.

SECTION VIII: Oral and written testimony and  
other sources of information

Rule 14

The Special Committee may, as soon as practicable, publicize by all available means its terms of reference, the methods it will adopt for collecting information and receiving documentary and oral testimony, the dates and places

of its meetings and details, if any, concerning the particulars to be supplied by those wishing to offer testimony. Failure to adhere to this rule of procedure shall not vitiate any proceedings of the Special Committee.

#### Rule 15

The Special Committee shall be entitled to receive oral and written testimony. Such testimony:

(a) May be submitted by the State directly concerned with the study or investigation undertaken by the Special Committee or by any of its witnesses and experts;

(b) May be received from any other sources at the invitation or upon the decision of the Special Committee.

#### Rule 16

(a) The Special Committee shall decide upon the relevance and upon the use which may be made of:

- (i) Anonymous communications;
- (ii) Written material and documentary evidence;
- (iii) Evidence submitted in the form of sound-recordings, films, photographs, drawings or other objects;
- (iv) All legislative and administrative provisions falling within the scope of the terms of reference of the Special Committee;
- (v) Writings and articles published in the press or elsewhere;
- (vi) Activities of organizations and reports of activities which are relevant to the terms of reference of the Special Committee;

(b) Written evidence may, at the request of the person submitting it, be presented in such a manner as not to disclose his identity and/or be made available only to the members of the Special Committee and the secretariat.

#### Rule 17

(a) Requests by the representative of a State for oral hearing shall include an indication of the subject or subjects on which that representative desires to be heard.

(b) Requests by an individual for oral hearing shall contain an indication of the subject or subjects on which the witness desires to testify, his full name, address, age, nationality, occupation and profession or calling.

Rule 18

(a) (i) The Special Committee shall request every witness appearing before it for the purpose of giving testimony to make the following solemn declaration:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth".

(ii) In the case of persons appearing before the Special Committee in an expert capacity, the following declaration shall be made:

"I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief".

(b) After such a declaration has been made, the Special Committee shall inform the witness of its terms of reference and may put preliminary questions to the witness to ascertain his identity and his qualification to give evidence, and also to enable the Special Committee to judge the nature and extent of information possessed by the witness on matters of concern to the Committee.

(c) Each witness shall then be given an opportunity to make a statement. Any of the members of the Special Committee may then put questions to the witness.

(d) The Special Committee may decide that a person may not be present at its meeting except when giving evidence and that he may not consult any records of hearings until he himself has given evidence.

(e) The Special Committee may agree to hear a witness in a closed meeting and/or not to disclose his identity.

(f) The Special Committee shall give a witness all reasonable latitude to furnish evidence and information, but statements or questions outside the Special Committee's terms of reference or issues connected therewith shall not be permitted.

(g) All questioning of witnesses shall be subject to the direction of the Chairman acting under the authority of the Special Committee.

(h) The Special Committee may limit the number of persons desiring to be heard and the time to be allowed to the hearing of any one person.

SECTION IX: Records

Rule 19

(a) Sound-recordings shall be taken of the hearings of witnesses. These recordings shall be transcribed in the form of written records of testimony and issued as documents of the Special Committee.

(b) The Special Committee shall decide on the manner in which its records may be distributed and made public.

SECTION X: Reports

Rule 20

(a) After recording such evidence as is available, the Special Committee shall draw up its report in private, including in it its conclusions and recommendations.

(b) If a member desires to abstain from signing the report or to dissent from the whole or any part of the report, the fact shall be recorded and, if he so wishes, he may have included in the report a statement of his separate position.

(c) The report of the Special Committee shall be submitted in accordance with its terms of reference to the Secretary-General.

# ANNEX IV

## LIST OF PERSONS APPEARING BEFORE THE SPECIAL COMMITTEE IN OPEN MEETING

1. Mr. Michael Adams	A/AC.145/RT.1
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 Did	A/AC.145/RT.7
10. Mr. Ibrahim Al-Abid	A/AC.145/RT.8
11. Prof. Peter Dodd	"
12. Mr. Halim Barakat	"
13. Mr. Ahmad Khalifa	A/AC.145/RT.9
14. Mrs. Nimate Ouieda	"
15. Mr. Talat Al-Tamimi	A/AC.145/RT.10
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	"
22. Mr. Husein 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	"

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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
52. Archbishop Diodoros	"
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	"
59. Mr. Mustapha Mohammed Ahmed Al-Hadmi	"
60. Mr. Youssef Hafez Salahat	A/AC.145/RT.20
61. Mr. Ghazi Saudi (Palestinian Red Crescent Society)	"
62. Mr. Salim Shalil Kharsa	"
63. Mr. Khalil Soubhi Abou Shawish	"

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64. Mr. Ibrahim Ebeid Abu Suhaiban	A/AC.145/RT.21
65. Mr. Fayez Abu Suhaiban	"
66. Mr. Abdul Rahman Ahmed Nasr	"
67. Mr. Taysir 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 Majthouba	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 Srouer	"
80. Dr. Kamal Malek Gobrial	A/AC.145/RT.26
81. Mr. Mohammed Derbas	"
82. Mrs. Hekmat El-Sayed Ahmed El-Dib	"
83. Dr. Onsi Serga	"
84. Dr. Shehata Habib	"
85. Miss Eisha Awad Hegazi	"
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	"

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96. Mr. Tewfik 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	"
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 Ayesh	"
127. Prof. Ezzeddin Foda	A/AC.145/RT.35
128. Dr. Fayez Sayegh (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

( A/AC.145/RT.41

ANNEX V

REPLIES RECEIVED BY THE SPECIAL COMMITTEE CONCERNING  
THE LEGISLATION IN THE OCCUPIED TERRITORIES

On 21 May and 18 June 1970 the Special Committee addressed a request to the Governments of Israel, Jordan, Syria and the United Arab Republic for information concerning the legislation in force before and after the occupation, in those territories occupied by Israel as a result of the hostilities of June 1967. The Special Committee required information on those changes, modifications, and variations introduced by the Government of Israel.

The following replies were received by the Special Committee:

A. Reply received from the Government of Syria

"The Deputy Permanent Representative of Syria presents his compliments to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and, with reference to his note SO 234 (16-2) dated 21 May 1970, has the honour to state the following:

1. A useful comparative analysis of 'legislation in force in occupied territories prior to the cease-fire and legislation after the cease-fire' could be possible were we to assume that the Occupying Power is indeed governing the occupied Golan Heights more or less in accordance with the relevant provisions of the Fourth Geneva Convention. But this assumption does not seem to arise in this context as Israeli policies and practices in the Golan Heights since the June War have been predicated upon the goal of annexing and absorbing the entire area. The fulfilment of this task was rendered easier when the Israeli army forcefully evicted almost the entire population of that area, thus creating a legal and institutional vacuum (see paragraphs 39 and 41 of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1966-30 June 1967). a/

2. The Syrian legislative and judicial system applied to the Golan Heights until June 1967 was the same as the one applied in the entire Syrian Republic. However, Israel has extended its legal and judicial system over

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a/ Official Records of the General Assembly, Twenty-second Session, Supplement No. 13 (A/6713).

the occupied territory in violation of article 64 of the Fourth Geneva Convention which provides that the Occupying Power is obliged to maintain intact the legal system of the occupied territory. This has been established by the Special Working Group of Experts formed by resolution 6 (XXV) of the Commission on Human Rights (E/CN.4/1016/Add.1, para. 11) stating that "the different orders and regulations of the Israel Defence Force which create offences and provide for their adjudication and punishment introduce in fact a new penal system..."

The same Working Group singled out Israeli Military Order No. 8 concerning jurisdiction in Criminal Court as being contrary to the provisions of article 64 of the Fourth Convention. It stated:

Article 64 of the Convention also states that the tribunals of the occupied territories shall continue to function in respect of all offences covered by the penal law of the territory. In contradiction to this provision and not covered by the derogation appearing in article 64, paragraph 2, of the Convention is Order No. 8 concerning jurisdiction in criminal offences (repeated in similar orders of the West Bank and Gaza Strip). Under this order military courts shall be competent to judge any offence against a law of the region which was in force immediately prior to the entry of the Israel Defence Forces into the region.

In his letter of 28 October 1969, the Permanent Representative of Syria brought to the attention of the Secretary-General that the Israeli authorities were extending the Israeli legal system to the occupied territories. He quoted the following from the 17 October 1969 issue of the News Bulletin of the Jewish Telegraphic Agency:

Inauguration of the Court at Kuneitra, the largest town in the Golan Heights, will mean the replacement of Syria's legal code by Israeli Law. Opening ceremonies will be attended by Israel's Minister of Justice, Yakov Shapiro, and other ministers, Members of Parliament and Israeli dignitaries. It will be more than a routine event and observers here expect it to raise new outcries in the Arab World.

3. It is common knowledge that Syrian institutions in occupied territories, whether legal, social or economic, were entirely obliterated by these same Israeli annexationist practices. New Israeli laws are enforced following each wave of new settlers in the Golan Heights.

Israeli authorities make no secret of their expansionist policies. Recently The Jewish Telegraphic Agency reported once again facts that cannot be interpreted except as outright repudiation by Israel of its obligations as an "Occupying Power" under International Law, and specifically under the relevant provisions of the Fourth Geneva Convention. The Bulletin reported on 1 June 1970 the following:

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Jerusalem, 31 May (JTA) - A \$48 million five-year plan to expand Israeli settlements in the occupied Golan Heights was approved by the Ministry of Agriculture's planning Committee today. The project calls for the addition of six new settlements to the eleven already established in the region. Each settlement will have 1,000 head of cattle and about 8,000 acres of pasture land for grazing. Golan settlements already produce potatoes, grapes, citrus fruits, plums, olives and walnuts.

Israeli lawlessness has not even spared Syrian cultural property. Contrary to the provisions of the Hague Convention (1954) for the Protection of Cultural Property in the Event of Armed Conflict, the 1956 UNESCO resolution and other legal documents, the Israeli occupying authorities have continued archaeological excavations in the Golan Heights and have not desisted from usurping important archaeological treasures such as the Altar of the City of Banias (see S/8125, S/9220, S/9246).

5. In conclusion, the Government of the Syrian Arab Republic believes that the Israeli authorities, in their endeavour to create new faits-accomplis in the Golan Heights, are continuously violating all norms of international law. Whatever legislation the occupier may have enacted, they remain contrary not only to Syrian legislation but to the Charter of the United Nations, to international conventions as well as to scores of United Nations resolutions.

The Deputy Permanent Representative of Syria avails himself of this opportunity to renew to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories the assurances of his highest consideration."

New York, 14 July 1970

/...

B. Reply received from the Government of Jordan

I have the honour to refer to your note No. SO 234(16) of 21 May 1970 addressed to the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations in which you asked for a comparative analysis of the legislation in force in the occupied territories prior to the cease-fire, with special reference to such changes, modifications and variations introduced by the Government of Israel as are repugnant to previously existing legislation or local customs or incompatible with the relevant provisions of international law.

I believe it is essential in replying to your above questions to reiterate the well established rule of international law, that the right of the occupant in occupied territory, is merely a right of administration; he may neither annex it, while the war continues, nor set it up as an independent state, nor divide it into two administrative districts for political purposes. The occupant is not the sovereign of the territory, he has no right to make changes in the laws, or in the administration, other than those which are temporarily necessitated by his interest in the maintenance of peace, safety of his army, and the realization of the purpose of war. On the contrary, he has the duty of administering the country according to the existing law and the existing rules of administration; he must ensure public order and safety, must respect family honour and rights, and individual lives, private property, religious convictions and liberty (see Art. 43 of the Hague Regulations).

This rule of international law was absolutely infringed by the Israeli authorities and in particular those legislations adopted by the Israeli law in respect of Jerusalem:

In regard to Jerusalem, prior to the cease-fire in 1967, Arab Jerusalem formed an integral part of Jordan. All Jordanian laws were in force in the Arab sector of the city.

(a) On 27/6/67 the Israeli Government passed an amendment to the Law of Judiciary and Administration 1948, which was in force in Israel, adding a new article to that law (Art. 11) and thereby extending the territory of Israel so as to include the Arab sector of Jerusalem, the airport, the Arab villages of Sour Baher, Biet Safafa, Eltour, Elramm, El Assaweh, Anata.

(b) This amendment was approved by the Israeli Knesset (Parliament) on 28/6/67.

(c) On the same date the Minister of the Interior of Israel issued a proclamation under article 8(a) of the municipal law of Israel extending the boundaries of the Israeli municipality of Jerusalem so as to include all the Arab sector of Jerusalem and the lands of the above-mentioned Arab villages.

/...

(d) These laws and procedures adopted by the Israeli Government as to annexation are repugnant to article 43 of the Hague Regulations of 1907, section 4 of clause 2 of the United Nations Charter and to the resolutions of the Emergency Session of the General Assembly No. 2253 of 4 July 1967 and No. 2254 of 4 July 1967 and the resolution of the Security Council No. 267 of 1969 dated 3 July 1969.

(e) All Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israeli measures and laws in violation of international laws.

The Jordanian currency law No. 35 of 1949 was in force in Jerusalem prior to the cease-fire of 1967. The Jordan dinar was the legal tender in all the Hashemite Kingdom including Arab Jerusalem.

The Israeli authorities abolished transactions in Jordanian currency and forced the Arab inhabitants in the Arab sector to change their money into Israeli currency, at a rate much below the free world market rate and even below the official rate. This, of course, is contrary to the provision of article 43 of the Hague Regulations. The occupant has no right to issue regulations concerning currency which is exclusively in furtherance of the interest of the occupant and which is revalued to injure seriously the economic life of the occupied territory (see page 438 of Oppenheimer on International Law, Vol. 2).

Although the occupant may collect the ordinary tax and tolls imposed for the benefit of the state by the legislative Government, he is, according to article 48 of the Hague Regulations, obliged to make the collection, as far as possible in accordance with the rules in existence and the assessment in force.

Prior to the cease-fire in 1967 taxes were due in accordance with several rules in both Jerusalem and the West Bank and were based on certain assessments.

The occupant began after the cease-fire to notify the inhabitants officially that motor vehicles and telephones would be subjected to taxation in accordance with Israeli laws and income tax will be levied in accordance with Israeli law, a law which imposes higher rate of taxation than that of Jordan.

The Israeli authorities have established posts on the boundaries of the city of Jerusalem for the purpose of taxing goods and merchandise originating in the occupied Arab areas while merchandise of Israeli origin is left tax-free in order to compel the Arabs to buy Israeli products. See order No. 103 issued by the Commander General of the Israel Defence Army in the official gazette No. 6 of 27 November 1967.



### Education

Prior to the cease-fire of 1967, the law of education No. 16 of 1964 and its amendments were in force both in Jerusalem and the whole Hashemite Kingdom of Jordan. Article 3 of this law enumerated the philosophy and objectives of education in Jordan. This law was based on local customs, Arab traditions and religious convictions. Under article 27 of this law a committee was formed representing all sectors of the inhabitants. This committee was entrusted to form the policy of education, to draw the curriculum and select the textbooks for all the schools. Under section 38 of this law no change can be effected before the expiration of six years.

A law called "the supervision of schools, was issued by the Israeli Government on 17/7/1969 (see page 180 of the Israeli official gazette No.6). This law was applied to the Arab schools in Jerusalem. These schools became subjected to Jewish jurisdiction and were forced to adopt the Israel curriculum. In the other part of the West Bank the commander-in-chief of the Israel Defence Army issued an order No. 107 dated 19 August 1967 whereby he ordered the change of the curriculum in schools of the West Bank and prohibited the use of the textbooks which were approved by the Jordanian High Committee for Education, and replaced these books by other books which are contrary to religious convictions and customs and traditions of the occupied territory's population.

### Private property

Prior to the cease-fire of 1969, the law regarding the expropriation of private immovable property was governed by the law of expropriation of 1953. No private property could be expropriated except for public use. Article 15 of the law provides for the amount of the compensation to be paid. Under section 23 of this law no immediate possession can be forced before the prior payment of the compensation. Israel subjected private and public property of the Arabs to a planned policy of expropriation in the interest of Israel and her nationals. She subordinated the civil rights of the Arabs in the area to the principles of the Israeli State.

By the notice published in the Israel Official Gazette No. 1425 of 11 January 1968 and in accordance with the Land Acquisition for Public Purposes Ordinance of 1948, the Israel Minister of Finance required the owners of an area of 3,345 dumums, about 1,000 acres, to yield possession of the said lands forthwith and hand it over to Israel authorities. Most of these properties belong to private Arab inhabitants in the occupied territory and others are Islamic wakf, which means in trust for Islamic purposes. The expropriation of these areas was never for public purposes or for the interest of inhabitants of the occupied territory but for a planned policy by Israel to separate the Arabs in the West Bank from those in the area of Jerusalem. Israel took possession of all this area, erected

hundreds of residential units, and named it "Ramat I'shkol" after the name of their late Prime Minister. Hundreds of the Israeli civilian populations were transferred from Israel to these units.

This is of course repugnant to article 49 of the Hague Regulations which provides that the occupying power must not depart or transfer part of its own civilian population into the territory occupied by him. This prohibition is intended to cover cases where the occupant brings in its nationals for the purpose of displacing the population of the occupied territory as it is in our case.

Furthermore, the commander-in-chief of the Israel army issued on 10 December an order No. 108 published in the Gazette No. 7 repealing the following essential provisions of the Jordanian law of Acquisition of Property for Public Purposes of 1953, and substituting new provisions under the new provisions:

1. Civil Courts were deprived of their jurisdiction in assessing the amount of compensation.
2. Compensation to be assessed by a Committee appointed by the Commander of the District. This Committee is not bound by any law or precedent or any evidence.
3. Any landowner who does not yield up possession within a week will be liable for imprisonment of five years and a fine of 5,000 Israel pounds. All these provisions are contrary to the existing law in force at the time of occupation.

#### Civil actions against Government

Prior to the cease-fire of 1967 the Jordanian law named the Government Actions Law of 1958 was in force in both Jerusalem and the West Bank. Any citizen or foreigner can sue the Government for a civil claim without obtaining the previous consent of the Government.

The commander-in-chief of the Israel Defence Army issued an order No. 12 dated 10 December 1967 published in the Official Gazette No. 7 prohibiting the inhabitants of the West Bank from pursuing their cases which were lodged against the Government and were still pending before the civil courts. Furthermore, the said commander issued another order in this respect No. 64 of 29/12/67 published in Official Gazette No. 8 repealing all provisions of the Jordanian law of 1958 and accordingly prohibited any person of the occupied territory from suing the Government of Israel or the Israel Army or any authority appointed by the Commander of the district in civil court, unless he obtains prior to the action permission from the Commander. This also contradicts the Jordanian law which was in force before the cease-fire in 1967. Laws concerning movable and immovable property in the occupied territory:

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Article 11 of the Jordanian Constitution, 1952, which was in force at the time of occupation provides as follows:

The expropriation of property of any person is prohibited except for public interest and in consideration of just compensation determined by law.

Under the Jordanian Expropriation Law, 1953, which was in force prior to the cease-fire, no property can be expropriated unless it is absolutely necessary for public purposes.

The Israeli authorities did not apply the laws in force at the time of occupation in respect of Arab properties but on the contrary they have intentionally contravened them, in order to usurp these properties as they did in 1948.

In the first place the Israel authorities have laid their hands upon all lands and buildings that belonged to Arabs, and enacted new legislation which aimed at the formal seizure of their property.

The first legislation was in the form of an order given by the commander-in-chief of the Israel Defence Army on 3 July 1967 called "The abandoned property - Private Property Order". According to this order the abandoned property means any private property whether movable or immovable, whether money or goods or household effects or shares in any form, the legal owner of which left the occupied area either before or after the occupation. The commander-in-chief was also authorized to appoint a responsible person with full authority to dispose by sale, lease or otherwise, of any abandoned property.

All property which the Arab owner had to leave behind in circumstances of coercion, terrorism or expulsion, and all property the owner of which happened to be outside the occupied territory at the time of occupation were described as "abandoned property" and liable for confiscation.

This legislation is repugnant to all principles of international law, and in particular to the General Assembly resolution 181 (II) of 29 November 1947 under which Israel was created. This resolution imposed upon Israel the protection of property rights of the Arabs whether living in the area or outside. Article 8 of chapter 2 of the declaration stipulated that no expropriation of land owned by an Arab shall be allowed except for public purposes, and full compensations fixed by the Supreme Court shall be paid previous to dispossession.

#### In Jerusalem

In Jerusalem the occupant authorities applied different legislations from those applied to the West Bank after the Law of Annexation was passed by the Israeli Parliament on 27 June 1967. The Israel Government passed on

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23 August 1968 and published in the Israel Gazette No.842 a law called "Administration Regulation law, 1968". This law considered the whole area of Jerusalem including the Arab sector and the land of the neighbouring Arab villages as the Area of Jurisdiction.

This legislation brought into force the absentee property regulation (1948) and extended the scope of the seizure to all Arab refugee property of any nature.

In accordance with these regulations, "absentee property" was vested in the Custodian. Absentee property was defined as property owned or possessed by an Arab who left his place of residence before or after the occupation or a citizen or resident of the Arab States.

Under the Administrative Regulations Law of 1968, the Absentee Property law of 1950 was made applicable to the new area of jurisdiction. This law was enacted on 14 March 1950 by the Israel Government and meant in effect that all property, including land, buildings, movables and money owned by Arabs who did not remain at their habitual place of residence in the occupied territory, or who happened to be outside the area at the time of occupation were vested in the Israeli custodian.

Under Article 19 of this law the custodian was vested with power to sell absentee property to a development authority, that is to say to an Israeli company or organization at a nominal value.

Under Articles 6-11 of the Administrative Regulations Law of 1968, all Arab firms must be registered at the competent Israeli courts and all shares of absentees and beneficiaries in any firms must be transferred to the name of the Israeli Government.

It is very important to mention some other basic principles of international law which Israel has violated in relying on some obsolete legislation.

#### 1. Policy of terror

Under Article 48 of the Hague Regulations, people in an occupied territory must not be subjected to a policy of terror with the view to stifling all resistance against the occupant. This was held by the International Military Tribunal at Nuremberg to be a violation of the laws of war.

#### 2. Private and public property

It is expressly provided in Article 53 of the Geneva Convention of 1949 that the destruction of the movable or immovable property of private persons, of the state, or of other public authorities or of social or co-operative organizations is prohibited except when military operation renders such destruction absolutely necessary.

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### 3. General penalty

Article 50 of the Hague Regulations expressly enacted the rule that no general penalty, pecuniary or otherwise, may be inflicted on the population on account of the acts of individuals, for which it cannot be regarded as collectively responsible. This article was modified and affirmed by the Geneva Convention of 1949 on the protection of civilian persons in time of war.

The occupant authorities contravened all these principles of international law in bringing into force a legislation which was in force, during the British Mandate on Palestine, and which was expressly abolished by the Jordanian Government. This legislation is called Palestine Defence Order in Council 1939 and Defence Emergency Regulation 1945.

The Israel Permanent Representative to the United Nations (Mr. Tekoah) alleged before the Ad Hoc Committee, in its session on 3 December 1959, that this Legislation was in force at the time of occupation. This allegation is not correct; the Jordanian Government never applied this legislation in the West Bank including Jerusalem. On the contrary the Jordanian Government on 16 May 1948 brought into effect, in the whole area of the West Bank, the Jordanian Defence Regulations of 1935 and expressly abolished any provision in any legislation which was in force during the British Mandate on Palestine and which contradicts the provisions of the said Defence Regulations.

The repeal of the British Emergency Regulations of 1945 which Israel now applies and the substitution of the Jordanian Defence Regulation 1935 instead is obvious from the following Jordanian legislation:

1. On 16 May 1948 an amendment to the Defence Regulation No. 20/48 was enacted by the Jordanian Government. This law was applied to territories occupied by the Jordanian Army.
2. On 24 May 1948 the Jordanian Military Commander issued Notice No.2 whereby he declared that all Palestinian legislation which is in force shall be applied in the West Bank, with the exception of that legislation which contradicts the provisions of the Jordanian Defence Regulations. This order was ratified by the Jordanian Government on 1 October 1950.

The Israeli authorities did not enact any defence regulation after the cease-fire agreement, for they were easily able to satisfy their aims and ambitions by the provisions of the Palestine Defence Order in Council and the Palestine Emergency Regulation 1945.

Why does Israel insist on applying the British Defence Regulations which were abolished and not the Jordanian Defence Regulations of 1935

1. Under Article 4 of the Jordanian Defence Regulation of 1935 which was in force at the time of the cease-fire of 1967, the Israeli authorities are

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not permitted to destroy any building or take into possession any land or building or property whether movable or immovable except in cases that such action is absolutely necessary for the defence of Jordan.

2. Under Jordanian Defence Rule No.2 of 1939, which was in force before the cease-fire, any property whatsoever taken or destroyed by the Jordanian Government for the mere purpose of defence must be compensated and a fair compensation must be paid to the owner.

3. All offences committed contrary to the provisions of Defence Regulations must be tried before Courts of First Instance or Magistrates Courts of Justice. Persons accused must be lawfully charged with specific charges (see 12(b) of the Jordanian Defence Regulation of 1935).

On the contrary, under section (5) of the Palestine Defence Order in Council 1937 and Defence Emergency Regulations 1945 which the Israeli authorities insist on applying in the occupied territories it is provided, inter alia, that general penalty, pecuniary or otherwise may be inflicted on a group of the population or organizations. It is further provided that any property may be destroyed as a disciplinary measure, whether the actual offender is known or not.

Under section 8 of these Regulations no order or act done under the defence regulations can be questioned in any Court of Justice whether that order or act is legal or not.

Relying on the principles of the British Defence Regulations, which were abolished by the Jordanian Government 20 years before the cease-fire agreement as mentioned before, Israeli authorities committed the following:

1. Infringed the individual liberty of the Arabs by arresting thousands of them and detaining them in prisons for no charge except that they belong to a national group who oppose the occupation;
2. Inflicting heavy pecuniary penalties on a group of the population for no reason except that a certain act was done against the occupant in the area, by unknown persons;
3. Demolishing thousands and thousands of houses of innocent people as a revenge for an act committed by a nationalist whether that person was arrested or not;
4. Erasing from existence whole villages as was done in Amoun Beit Naba, and others.

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This is a summary of the legislation which Israel is enforcing in the occupied territory, and I believe there are some others which are not within our reach, and therefore I am unable to make any comment or analysis on them.

I hope that these comments will be useful to you in your task.

Yours very truly,

Anton Atalla  
Minister for Foreign Affairs

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C. Reply received from the Government of the United Arab Republic

The Permanent Mission of the United Arab Republic to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to enclose herewith an analytical study of the laws that were applicable prior to 5 June 1967 to Egyptian territories and Gaza presently occupied by Israel and those enforced by the Israeli authorities, on the territory as requested by the Special Committee to Investigate the Israeli Practices Affecting the Human Rights in the Occupied Territories. In view of the urgency of the matter, this study is submitted in Arabic. We would appreciate very much if it could be forwarded to the Secretariat of the Committee.

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29 July 1970

A comparative study of laws prevailing in Gaza before and after the aggression<sup>b/</sup>

I. Legislation had been developed in the Gaza Strip during the period when Egypt bore the responsibility of this coastal part of Palestine which was called the Gaza Strip.

1. The Egyptian Government took over the administration of Palestinian territories which had been in the hands of the Egyptian armed forces in 1948. These territories were called at that time Palestinian territories under the control of the Egyptian armed forces. They kept this name until the promulgation of the basic law for the region (law No. 255/1955) whereupon they were renamed the Gaza Strip.

2. In all respects the Egyptian Government endeavoured to keep the Palestinian character of the region according to the resolution adopted by the Political Committee of the Arab League at its meeting on 12 April 1948. The entry of the Arab armies into Palestine for the purpose of her protection was as a temporary measure in no way intended to lead to the occupation or partition of Palestine.

3. With a view to maintaining the Palestinian character of the region, the basic law for the Gaza Strip, issued in 1955, provided for the continued application of the constitutional decree of Palestine issued in 1922, as well as the laws in force in Palestine until 15 May 1948. The basic law of 1955 as well as the provisional Constitution for the Gaza Strip issued in 1962 set out the legislative, judicial and executive powers in a manner which is compatible with the interests of the Palestinians, and which ensures the respect of its will and the maintaining of national identity. This shall become clearer when we review the evolution of the legislative power as well as the laws issued together with their effect on the social fabric of the Strip.

<sup>b/</sup> The original reply was in Arabic. The present text is a provisional translation supplied by the Secretariat.

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II. The evolution of the legislative power and the laws issued in the Gaza Strip during the period between 1948-1967, and the trends of the Egyptian administration.

1. During the first period of assuming responsibility in the Gaza Strip, the Egyptian administration respected the laws then in force before the entry of the Egyptian armed forces into the region. Then it began to lay solid legislative foundations on which the basic law of the region might be developed - as a provisional Constitution. For this purpose a Palestinian legislative body was set up with an all-Palestinian membership since 1958 to be the highest legislative body entrusted with the promulgation, abrogation or amendment of laws in the general interest of the people of the region.

2. In 1962 the Egyptian Government issued the provisional constitutional régime in the Gaza Strip. In the preamble of the Constitution it was stated that the need for development and the rapidity of events require the introduction of a new constitutional régime which responds to the aspirations and objectives of the Palestinian people. The Constitution defined the legislative, judicial, executive and financial powers, as well as the status of the Palestinian armed forces. The Constitution proclaimed the Palestinian Legislative Council as the highest legislative authority in the region, and stipulated the principle of the separation of powers, and provided for the protection of the freedom of the Palestinian citizen and of the Palestinian identity in all respects.

3. The trends of laws issued for the region and their effects upon the citizens during the period from 1948 until 1967.

It may be difficult to review all the laws prevailing in the region, but we can delineate their general trend by referring on the one hand to the different chapters of the Constitution which determine the legislative procedure, and on the other hand to the impact of these laws on the citizens whose relationships they were intended to regulate. One can also assess the value of these laws by the degree of protection guaranteeing the citizens freedom and dignity, as well as by the improvement in their standard of living.

A. In the field of public freedoms

Articles 3 to 13 of the Constitution for the Gaza Strip stipulated that Palestinians were equal before the law and that personal freedom was guaranteed. No person could be arrested or imprisoned without legal justification. No punishment may be administered for any crime, unless it is stipulated by the law as corresponding to that crime. No penalty may be administered retroactively. Punishment may be inflicted only on the person who committed the crime, and physical and moral injury to the accused is forbidden. The inviolability of homes is guaranteed. No home can be entered into or subject to surveyance except in cases provided for by the law. Freedom of movement and residence as well as freedom of opinion and expression are guaranteed. Every person has the right to express his opinion and to

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diffuse it orally or in writing within the limits of the law. Private property is protected and there will be no expropriation except for public interest and against a fair compensation.

B. The economy and public finance and the impact of these upon the citizens

Article 63 of the Constitution provided that no public taxes can be created or modified except by law. No one is exempted from paying taxes except for cases provided for by the law. No one is obliged to pay any taxes or duties other than those set by the law.

C. The judiciary

The Constitution guarantees the independence of the judiciary. Judges are not subject to any authority other than the law. No authority can interfere in cases or in the procedure of courts. Judges cannot be put out of office except in conformity with the provisions of the law.

D. The legislative power

No law can be adopted without the consent of the Legislative Council. Any member of the Legislative or the Executive Council has the right to propose laws. The members of the Legislative Council are not responsible for their opinions and ideas expressed during the accomplishment of their functions in the Council. No member can lose his membership except by a two-thirds majority vote of the members of the Council. Laws are issued in the name of the Palestinian people.

E. The executive power

Article 24 of the Constitution provides that the Executive Council be composed of the General Governor and the members. Article 25 outlined the conditions required for the validity of its meeting and voting procedures. According to article 25 the Executive Council is empowered to draw up the necessary statutes for the enforcement of laws without introducing any amendment, delay or exemption in the application of the laws. That is to say that the Constitution defined the powers of the Executive Council within the limits of the laws adopted by the Palestinian legislative power.

Review of the effects of these laws on the citizens and on the region as a whole

1. To emphasize the Palestinian personality and the Palestinian entity in the legislative and executive fields:

The Legislative Council of the Gaza Strip set up before the aggression of 5 June was composed of members who were freely elected from among qualified Palestinians and who were true representatives of the Palestinian people. The fact that the chairmanship of the Palestinian Legislative Council was assumed by a Palestinian citizen opened the door for the Palestinian personality to assert itself and to prove its existence in the Arab region. The Council

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showed beyond doubt that the Palestinian people living in the area had been trained in self-government and had developed its capacity to make laws compatible with the interests of the society.

Before the aggression, the Executive Council included a majority of Palestinians. It included ten members: seven Palestinians and three Egyptians. This means that the Palestinian people had received a high standard of training in the field of civil administration during the period of the Egyptian administration. This gave rise to many good qualifications among Palestinians in all fields. This stands in testimony of the achievements of the Egyptian administration in the region, giving the Palestinian personality a full chance to develop.

2. In the field of the economy and the economic boom:

The legislation and the economic and financial laws issued in the Gaza Strip aimed at raising the standard of living of the citizens and promoting their economic resources, as well as achieving the greatest possible economic growth in all sectors of the economy. Figures are very revealing in this respect.

Agriculture. The surface of cultivated land in the region was 97,000 dunums in 1948, it reached 185,000 dunums in 1966. The area cultivated mainly with citrus fruits in 1948 was approximately 4,000 dunums and increased to nearly 90,000 dunums in 1966. The total value of the citrus fruit harvest in 1948 did not exceed 150,000 Egyptian pounds. It increased in 1966 to more than 3,500,000 Egyptian pounds.

Exports and imports. The total volume of imported goods in 1950 did not exceed 988,000 Egyptian pounds and the exports were about 137,000 Eg. pounds. In 1966 the total value of imported goods increased to 9,760,000 Eg. pounds and the value of exported goods rose to 3,250,000 Eg. pounds.

Industry and handicrafts. The number of persons working in the industry in the Gaza Strip did not exceed 550 workers in 1950. It rose to 4,500 in 1966. Moreover, new industries were introduced in the region, such as the canning of citrus fruits, the textile industry, assembling radios, factories and mechanic workshops.

Construction of houses and buildings. The total sum spent on construction works during the period between 1948-1957 amounted to more than 20 million Egyptian pounds.

Public services in the region. In co-operation with the Egyptian administration in the Strip the Palestinians were able to achieve tremendous progress in the field of public services in the Gaza Strip during the period between 1948 and 1967. Here are some aspects of this progress:

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In education services during this period, the Gaza Strip witnessed an unprecedented progress. The percentage of primary education was 100 per cent, which means that every child at the age of six can find a place in the schools. The percentage of students from the Gaza Strip attending university is considered as the highest percentage in the Middle East. Every year between 1,200 and 1,800 students from the Gaza Strip are accepted in the Egyptian universities and institutes, a figure which represents 0.4 per cent of the total population. The percentage of university enrolment is less than 0.1 per cent for the United Arab Republic. This clearly shows that Egypt provided great opportunities for Palestinian students with the result that the percentage of university students among the total population of the Gaza Strip was four times more than the percentage in the United Arab Republic. During the period from 1948 to 1967 the number of graduates among the Palestinians living in the Gaza Strip reached 12,500 while the total number of graduates from the whole of Palestine during the period from 1922 to 1948 did not exceed 230. During the period from 1948 to 1967 the number of holders of the secondary education certificate was slightly over 50,000. In 1967 the total number of students attending schools in one field or another was about 105,000 that is to say 25 per cent of the population.

The number of Palestinians from the Gaza Strip who were working in Arab countries is over 80,000. The total sum of their savings transferred to the Gaza Strip exceeded 5,500,000 Eg. pounds in 1966, which was used to finance importation without currency exchange in the Gaza Strip. The profits were invested in agriculture, construction and other projects.

These are some examples of the rapid progress achieved in the region during the period of the Egyptian administration. No doubt that without the laws and legislation which were issued in the region during this period and which guaranteed the protection of the interests, freedom and dignity of citizens as well as the assertion of the Palestinian personality, such rapid and unusual progress would have been impossible in the fields of the economy and public services. The above-mentioned examples are indicative of a general trend asserting itself in other fields of the region as well.

III. The laws prevailing in the Gaza Strip after the Israeli aggression of June 1967 and under the yoke of the Israeli occupation:

As parts I and II were a review of the evolution of legislation and of the legislative power in the region during the Egyptian administration and the effect of this legislation and these laws on the citizens of the region, it is now time to review briefly developments since the Israeli aggression, with special reference to some laws and orders as well as to their effects.

1. After the June aggression, the Israeli Military Governor was considered by the Israeli occupation authorities as the supreme authority in the region. He had all powers in his hands: legislative, executive, financial and sometimes the judicial as well.

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The occupation authorities suspended the Legislative Council. Although three years have passed since the occupation of the Gaza Strip, the Israeli Governor still has full powers.

The occupation authorities abolished the Executive Council. The civil and administrative affairs of the region are run by the Israeli Military Governor and his deputies who sit on all civilian boards such as the Board of Education, of Health, of Finance and Public Works. In every aspect of civilian life in the Gaza Strip an Israeli Army Officer has the last word.

During the last three years the Israeli Military Governor issued more than 2,500 decisions all published in the Official Gazette of Gaza which put a heavy burden on the inhabitants and imposed restrictions on the freedom and dignity of the citizen. This is the reason why citizens intensify their resistance and endeavour to get rid of the Israeli occupation in the region. In order to be objective and fair here are some practical examples of these measures to prove this point:

1. Taxes and duties

A. The Military Governor of the Strip ordered the application of the taxes and duties system used in Israel. He abolished the laws which were in force in the Strip. During all the period of the Egyptian administration, application of Palestinian laws concerning taxes and duties was maintained. The effect of the Military Governor's decisions was a doubling of customs duties in the Strip. The increase in duties as a result of the decisions of the Israeli Governor was three times higher than its value before the Israeli aggression. This is a clear violation of the Geneva Convention which denies the occupier the right to levy new taxes or to change the laws in an occupied region.

B. The occupation authorities, exploiting their presence in the Strip, started collecting taxes due on a number of persons before the Israeli aggression. The occupation authorities sequestrated the properties and money of these persons according to assessment of taxes due for the period before the occupation. These assessments were under examination when the Strip fell under occupation. In certain cases the aim of this method was to bring pressure to bear on the citizens in order to force them to co-operate with the occupier. As an example, we can mention the case of Mr. Raghib Elmy, the Chairman of the municipality. His properties were sequestrated by the occupation authorities to settle taxes valued at 100,000 pounds and due according to a pre-aggression estimate. Mr. Raghib filed a suit against the occupation administration, before a local court which ordered the annulment of the sequestration measure and declared its violation of local and international laws.

C. Before the aggression, tax assessments were subject to appeal before a civil court of taxation presided over by a judge from the central court. After the aggression the Israeli Military Governor issued a decision whereby appeals against tax estimates would be examined by an administrative

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committee consisting of three officers, which has the final word in the last phase of the examination of tax estimates after reporting to the Israeli Military Administrative Governor.

This practice is also a violation of the Geneva Convention for the military authorities have nothing to do with legislation or tax estimates. It is also considered as a usurpation of the powers and jurisdiction of the civil courts in the region. Although a Palestinian court in the Gaza Strip declared that such a measure is unconstitutional this measure is still in force.

D. The occupation authorities seize every opportunity to impose new taxes. For instance, they ordered car number plates to be changed three times and every time taxes were paid for the same car. This is in addition to the taxes on car licences and the introduction of the compulsory insurance system. All these taxes were doubled and thus become a heavy burden on the citizens.

## 2. Personal freedoms, laws relating to the person and his properties

During the three years following the aggression, decisions which violate individual freedoms of the citizens were taken in the occupied region. The Palestinians were exposed to intimidation and their properties were violated. It would take too long to mention every case of violation and intimidation but we will cite just a few cases.

(a) Orders were issued giving the Israeli Defence Forces the right to search any citizen or any house without a warrant issued in advance by the Public Prosecutor or by any other legal authority.

(b) The Israeli Military Governor has the right to detain any citizen for an unlimited period without any defined charge and to deport him to any place occupied by the Israeli Forces. For instance, a number of the dignitaries of the Gaza Strip were detained for more than six months without any charge against them. Names can be given: Mohamed Najm, the chairman of the legislative Council, Ibrahim Abou Steh, the director of Civil Affairs, Faisal Hosni, a lawyer, Dr. H. Abdel Shabi, a doctor and former chairman of the legislative Council, as well as many others.

(c) The Israeli Military Governor has the right to surround any region and impose curfew on it, to search its inhabitants and to gather them in the open air or in public squares for a whole day under the heat of the sun. He also orders soldiers to fire in the air just over their heads. Legal and humanitarian considerations are ignored, even elderly people, children and women are not spared such a treatment. We can cite many examples of such cases.

(d) According to orders issued by the Israeli Military Governor parents and defence counsellors of detainees are not allowed to visit them in the place of detention before three months have elapsed. The Israeli Military Governor

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has the right to confiscate the properties of any person without a decision by the courts or without accusation. Examples are numerous in this respect.

(e) Collective punishment and collective destruction. The Israeli Military Governor ordered the application of collective punishment in the occupied region. He ordered the collective blowing up of houses, even if their owners were not living in the Strip and were not held responsible for what took place in their houses. Many examples can be mentioned. For instance, eight houses were blown up in the neighbourhood of the Gaza Market after the assassination of an Israeli merchant in the above-mentioned place. The owners of three of these eight houses were living outside Gaza.

(f) According to the orders of the Israeli Military Governor of the Strip, houses blown up by the Israeli occupation authorities could not be rebuilt.

(g) The military administration of the Strip ordered that all the equipment, trucks, tractors, etc., of the region should be at the disposal of the Israeli Defence Forces when requested. All these administrative decisions, now in force in the Gaza Strip show clearly that the laws protecting persons and guaranteeing their properties lost all their effect. Thus no law can guarantee to the civilian population any kind of rights or the protection of their own freedom or their properties. On the contrary the civilian population is living under the permanent threat of the absolute military power of the occupier.

It can confidently be stated that during the twenty years of the United Arab Republic's administration of the Strip, not a single act of collective punishment, confiscation or arbitrary detention (without evident reason or precise charge) was ever committed. The legal and constitutional rights of all the inhabitants of the Strip were guaranteed and respected.

### 3. Economic activities.

Since the first month of the occupation the main objectives of the Israeli occupation authorities in the field of economic activities were to put their hands on the economy of the Strip and on its resources which consist of the cultivation and export of citrus fruits. The occupation authorities resorted to all means to integrate the inhabitants of the Strip into the Israeli economy and thus to create a dependency relationship. They endeavoured to exploit this relationship, as well as to use temptation and economic pressure to force the inhabitants of the Strip to emigrate to other regions either to the occupied West Bank or outside the Strip or outside the occupied territories in general. To illustrate these tendencies we would like to refer to a number of decisions taken in order to help the achievement of the objectives of the Israeli occupation authorities in the field of economic activities:

(a) The Israeli occupation authorities issued an order prohibiting the Palestinians exporters of citrus fruits from exporting the products of the

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Strip, to Western Europe even if there were previous contracts. The Israeli Citrus Board holds the monopoly of the exportation of citrus fruits to Western Europe.

(b) As the citrus fruit crop in the Strip ripens a month and a half earlier than in Israel, with the result that the Gaza fruit is in strong competition with the Israeli crop, the occupation authorities issued decisions which fix the periods of picking of the fruit so that the advantage of an early crop as well as the optimum quality of the fruit is lost, thus eliminating its competitiveness with the Israeli crop.

(c) Israeli occupation authorities issued orders prohibiting the export of citrus fruits from the Port of Gaza. The Israeli authorities carried out these orders gradually. First, working hours in the Port were limited; secondly, ships entering the Port were informed that Israeli authorities could not guarantee their safety. Then the occupation authorities forbade the use of the Port of Gaza, and obliged exporters to use the Israeli Port of Esdoud.

(d) The occupation authorities decided that exportation of citrus fruit from the Gaza Strip would not be allowed unless the fruit was waxed in the waxing factories of the Strip. Israeli waxing factories were created for this purpose, though the importing markets of the Gaza citrus fruits do not demand waxing.

(e) Israeli occupation authorities insist on searching vehicles carrying boxes of citrus fruits before they are exported from the Israeli Port of Esdoud. This exposes the fruit to damage, raises the cost price and causes the producer and the exporter to lose money.

(f) Israeli occupation authorities issue decisions concerning the fixing of the picking of different sorts of fruits. Other decisions to change these dates are made from time to time. Sometimes Israeli occupation authorities prohibit the picking of some citrus fruits, such as grapefruit, needed for Israeli factories. When the fruit is not of high enough quality to be exported, the producer is forced to sell it to Israeli factories at the price fixed by them.

(g) Occupation authorities impose many kinds of duties on each box of citrus fruit exported from the Strip. Some of these duties are given to the Israeli Defence Forces.

(h) The Israeli occupation authorities prohibit the import of any article if there is a similar article produced in Israel in order to oblige the inhabitants of the Strip to use the production of the Israeli factories and at the price it imposes.

(i) The Israeli occupation authorities issued orders and instructions fixing a very short time for the use of irrigation pumps, on the pretext of saving water, and this affected the productivity of land.

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4. Public services.

The Israeli occupation authorities issued a number of decisions which show clearly its aggressive policy in this field:

(a) For instance, a number of decisions were made to close down schools and to suspend teaching for periods exceeding two or three months, thus endangering the future of education in the Strip.

(b) The occupation authorities issued a decision to close down the Palestine Secondary School, and another decision to use it as a military camp for the Israeli Forces.

(c) The occupation authorities issued decisions to change school programmes, and to force the students of the Strip to study Israeli school programmes.

(d) In the field of health services, the occupation authorities use every method to hinder the work of Arab doctors. An example is the decision which prohibits a doctor from curing wounded or sick people in his cabinet or clinic. A doctor may be tried if he treats any person before informing occupation authorities. This has obliged a number of doctors to leave the Strip. Doctor Riad Al Zaoun was forced to leave the Strip under threats.

(e) Israeli occupation authorities forced the Gaza municipality to stop the use of all electric generators in the city, and linked it with the Israeli electric net despite the refusal of the Municipal Council and the pressure of its Chairman. This Israeli decision deprived the Municipality of Gaza of one of its main sources of income and thus prevented it from assuming its responsibility towards the development of the region.

This concise comparative study of the laws and legislative trends which were in force in the Gaza Strip before the June 1967 war, and laws and legislations in force under the Israel occupation shows:

Laws and legislative trends in the Gaza Strip during the Egyptian administration before June 1967 guaranteed every Palestinian citizen full freedom concerning his person and property, except in the case of action violating the Palestinian entity. Legislation and laws were issued by the Palestinian Legislative Council presided over by a Palestinian citizen. This Council was probably the first fully Palestinian legislative body in the whole of Palestinian history. This is also shown in the creation of a purely Palestinian army, with Palestinian administrative, financial and legal qualified personnel.

It is no exaggeration to say that the majority of the Palestinians who are fighting under the Palestinian revolutionary flag are originally from Gaza and have received their education under the Egyptian administration.

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Legislation in the Strip was aimed continuously at the strengthening of the Palestinian character and at safeguarding the Palestinian entity and at social and economic development.

The decision of the Political Commission of the League of Arab Nations at its session on 12 April 1948 stipulates that the action of Arab armies in order to save Palestine, is considered as a provisional measure in no way suggestive of an occupation or a partition of Palestine. This decision has been strictly respected in the Egyptian administration of the Strip. Egyptian administration made continuous efforts in order to help the Strip to become an example of an independent and self-administered Palestinian entity.

These laws cannot be compared with the laws and administrative orders in force at present in the Strip. Such laws and orders have annihilated the Palestinian citizen's freedom and the security of his person and property.

These laws and orders issued by the Israeli occupation authorities during the last three years proved that the Israeli occupation is a most abject one. Its measures and orders exceed the most appalling image one may have of the nazi occupation. The few examples of collective punishment, collective destruction and confiscation, etc., cited in this study, show the dark aspects of the Israeli occupation, legislation and administration in this region.

ANNEX VI

MEMORANDUM RECEIVED BY THE SPECIAL COMMITTEE FROM THE  
ISRAEL LEAGUE FOR HUMAN AND CIVIL RIGHTS

Memorandum

8/6/1970

To: The United Nations Commission on the Israeli practices in the occupied territories, NY, USA  
and  
The International League for the Rights of Man, NY, USA.

From: The Israel League for Human and Civil Rights POB 20178 T"A  
affiliated to the International League for the Rights of Man, NY, USA.

In its special meeting on 8/6/1970 the Executive of the Israel League for Human and Civil Rights decided to appoint Mr. Joseph Abileah to testify before the UN Commission on the Israeli practices in the occupied territories. The attached memorandum drafted by the chairman Dr. Israel Shahak and the vice-chairman Mr. Uriel Davis was authorized by the Executive to be presented by Executive Member J. Abileah, who will answer further questions concerning this memorandum.

(Signed): Dr. Israel SHAHAK  
Chairman

Mr. Uriel DAVIS  
Vice-Chairman

The Israel League for  
Human and Civil Rights  
POB 20178  
Tel Aviv, Israel

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### Introduction

We would like to make a personal note. We, the regular readers of the Israeli press somehow got accustomed to reading titles such as: "Three Houses Blown-up in Hebron", "Twelve Hour Curfew on Gaza Will Continue for Several More Days", "A Man Killed in Nablus during Curfew Hours", etc.

We are so accustomed that we hardly notice the news; since our mind is finite we do not, and cannot, continually register the sum total. It became a daily characteristic of our life in Israel and of the situation in the occupied territories, to the extent that it is barely noticeable.

When we sat over our files and ran over our clippings we were alarmed. Even we, who are acutely conscious of the Israeli over-all and daily policy and of the day-by-day violation of human rights in Israel and the occupied territories, were shocked at the alarming figures. Who would have thought that 7,554 houses were blown up and/or razed by 15/11/1969 in the occupied territories?

We are submitting this memorandum for international publication in the profoundest belief that by so doing we are serving our people and the cause of peace in the best possible way; we hope that this will be a significant contribution to the local and international efforts of solving the Middle Eastern conflict on the basis of securing all and every individual and national human rights of all parties concerned.

### Political oppression

The conspicuous feature of the Israeli occupation régime (like every other occupation) is the denial of all rights of political expression and organization. All organization, including Mutual Aid Organizations, Pupil Councils, etc., is forbidden. The Muslim Religious (Sharia) Courts have lost their legal legitimation and right of operation, labour union officials are systematically arrested or expelled. In other words the freedom, complete freedom of expression and organization provided by the Bill of Human Rights (freedom of political organization, demonstrations, assemblies and every other form of political non-violent activity) is totally denied to the Palestinians under the Israeli occupation.

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(1) Zot ha-Derech, 15/1/1969, people selling the Israeli bi-weekly al-Ittihad (legal in Israel) in the West Bank were sentenced to various prison terms.

(2) Ibid., 21/5/1969, five high school teachers were sentenced to 4-5 months imprisonment for belonging to "illegal organization". Their lawyer, F. Langer, has read before the court the constitution of this association, which defined the objectives of the association as: mutual help for secondary school students, co-operation with international student organizations and contribution to the cause of peace.

(3) Ibid., 4/1/1970, high school students in Jericho are administratively imprisoned for the constitution of a pupil mutual help organization.

(4) Ha-Aretz, 7/6/1970, after a non-violent strike held in Ramallah and al-Bira the military governor of the Ramallah area announced to the notables of the two cities that he has cancelled all permits of Ramallah and al-Bira merchants to import sheep from the East Bank and will not allow the Ramallah Emigrants in USA Association to pass over to the Ramallah Municipality the \$100,000 donation collected abroad.

#### Labour exploitation

Many thousands of Palestinian labourers from the occupied territories are employed in Israel. The Palestinian worker does not receive the same payment for the same work as his Israeli counterpart; as a matter of fact they are not receiving payment from their employers at all. The employer pays the Israeli Government which deducts about 40 per cent and pays the rest to the Palestinian labourer. These deducted sums are being accumulated in a special fund on the name of the State of Israel and have reached in May 1970 IL50,000,000. It should be noted that the official legitimation of the deduction is claimed to be social welfare, organization and travel tax, while the Palestinian labourers from the occupied territories are denied by legislation all social welfare rights such as health insurance, pension, etc. During the last half year the transportation of Palestinian labourers from the Gaza Strip to Israel has become increasingly difficult; some factories in Israel have, therefore, established closed camps in

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the factory area for male and female Palestinian labourers from the occupied territories, where they live in tents and huts.

(1) Ha-Aretz, 1/8/1969, "Manpower engineers contemptuously wave away Minister P. Sapir's statement that we are turning the Arabs into hewers of wood and drawers of water of the state. It is clear, they say, that someone has to execute this sort of labour even in the most technologically developed country".

(2) Ibid., 4/8/1969, Jewish labourers used to receive IL85 for harvesting one ton of sugarbeet. Palestinian workers from the occupied territories receive now IL22-22<sup>4</sup> for harvesting 3.5 tons of sugarbeet.

(3) Ha-Aretz, 8/8/1969, according to official statements from November 1968 to March 1969, 16,500 labourers from the occupied territories worked in Israel. They were paid (gross) in this period IL2,760,000 from which IL1,180,000 was deducted - i.e. about 40 per cent.

(4) Maariv, 17/12/1969, out of IL18 which is the daily pay of an Israeli agricultural labourer, IL6-8 are deducted by the Government Employment Services, so that an agricultural labourer from the occupied territories gets IL12-10 (if he works in Israel). It is forbidden that the employer pays him directly. All payment should - by legislation - be done via the Government or the military agencies.

(5) Yediot Aharonot, 20/1/1970, about a half of agricultural labourers in Ashkelon area and workers in food industry in the same area are labourers from the Gaza Strip. In some citrus orchards in the area the percentage of Gaza Strip labourers is as high as 70 per cent.

(6) Voice of Israel, 6/4, 13.00 and Ha-Aretz, 30/4/1970, report that several factories in Ashkelon area constructed close tent and hut camps in the factory areas where the Palestinian labourers from the occupied territories, and especially from the Gaza Strip live for long periods.

(7) Ha-Aretz, 13/5/1970, the General Labour Union of Israeli Workers demanded from the Israeli Treasury 1 per cent of the total deductions from the occupied-territories-labourers-payments. The sum demanded is IL500,000 (that is to say that approximately IL50,000,000 deducted from salaries of labourers from the occupied territories are held by the Israeli Treasury).

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The principle of collective punishments

Ever since the beginning of the Israeli occupation in 1967 collective punishment was a principle of wide application. Various instances of this you will find in the chapters of this memorandum, e.g.: blowing up houses, taking of hostages, expulsion of Palestinian leaders and notables, curfews, etc. The man personally responsible for the Israeli policies in the occupied territories is Defence Minister Moshe Dayan. It might be revealing to quote his reply to MP Uri Avneri's query about the blowing up of the house where Mrs. Aida Isa Saad lived (in Gaza), although the house was not owned by her, nor by her parents; they only rented a dwelling there. The house was blown up on 20/3/1969 (Zot Ha-Derech, 14/5/1969). Mr. M. Dayan asserted that the military authorities indeed blew up the house. When asked again by MP Avneri: "Is the Ministry of Defence acting in such cases according to the principles of collective responsibility of the whole family for one of its members?" Minister M. Dayan answered: "Yes".

Blowing up of houses

We are herewith submitting the report of a most distinguished man of science of international renown, a Palestinian Arab who has lived under the Israeli occupation ever since 1967. His name is registered with us, and will be submitted in confidence to the UN Committee on the practices of the Israeli authorities in the occupied territories by our representative at his testimony on 10 June. This report covers the period ending on 15 November 1969.

The blowing up of houses is a continual practice in the occupied territories; cases occurring after the above date are mentioned in our first memorandum to the UN Committee dated 20 April 1970.

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STATEMENT OF ARAB HOUSES AND DWELLINGS DEMOLISHED BY THE ISRAELI MILITARY IN THE OCCUPIED AREAS  
FROM 11 JUNE 1967 TO 15 NOVEMBER 1969 - AFTER CEASE-FIRE

A/8089  
English  
Annex VI  
Page 6

Location (Area)	1st Inquiry Date 11 June 1967 to 5 April 1968	2nd Inquiry Date 5 April 1968 to 10 September 1969	3rd Inquiry Date 10 September 1969 to 15 November 1969	Remarks (*)
Jerusalem (Old City)	145	290	342	Please read the name of the owner on Schedule 1 of the attached. The 1st figure is my estimate - the corrected figures were from tax rolls submitted by Mukters and village leaders of the totally demolished villages.
Latroun Imwas Beit Nuba Yalu	1,830	2,500	2,500	
Samaria Nablus-Jenin Tulkarm-Tubas Qalqilya-Jiftlik, etc.	2,635	3,703	3,719	
Hebron Jebel Khalil-Hebron Beit Awa and Mersim Halhoul	399	427	519	The 1st figure is from a furnished list. Later other villages in the area were brought to my attention. They are shown in 2nd and 3rd dates. See attached.
Gaza-Saini Gaza-Khan Yunis Deir Al-Balah-Rafah	280	322	352	The destruction of 57 houses in Halhoul was brought to my attention the 1st week of November 1969. See attached.
Remallah-Bireh and surrounding villages	33	36	44	1st figure was from the London Times 23 March 1968. Later I was furnished with a completed list by reliable source supplying number and names of owners. See attached schedules.
Bethlehem surrounding villages and refugee camps	45	77	78	See attached schedule.
Totals	5,367	7,355	7,554	

The last figure total of 7,554 does not include any houses in the occupied Golan Heights, because of lack of verification. However, the Jerusalem Post printed the following article in the issue of 5 October 1969: United Nations (Reuter) "Syria said last week that Israel demolished at least 17 villages in the occupied Golan Heights within a 10 month period ending in July. It said the Israeli police aimed at eviction of all 115,000 Syrian inhabitants from the area. In a letter to United Nations Secretary-General U Thant, Syrian Ambassador George Tomeh said the Israeli acts showed Israel's determination to erase in the most barbaric fashion all traces of Arab life and property in the occupied territories." Four known villages are: Abizetun, Tell Maseqi, Errazaniye and Khan el-Joukhadar. Jerusalem Post 13/4/1969.

(\*) The schedules and other specifications can be obtained with the author.



Administrative detentions, expulsions and torture

Today there are by official sources 1,000 administrative detainees from the occupied territories in Israeli gaols. This number does not include the numerous prisoners who have been charged, but not brought to court. Many of this second category are kept for long periods in gaol - but rather than brought before court, they are often simply released. Many of them agree to emigrate, or as it is officially put "agree to be expelled".

Almost all convictions in the Israeli military courts in the occupied territories are based on confessions by the accused. In very many cases the prisoners deny their confession in court and complain of being coerced to confess under torture. They describe exactly the various methods of torture applied on them, sometimes even point out their torturers in the court room and offer to be submitted to medical investigation to support and prove their complaint of torture under interrogation. In all cases there was no official judicial investigation of these complaints. Even in cases where an obviously incapacitated man with physical marks of torture appears before the court, the court or The Appeal Commission refuses investigation into the matter.

During the last months the situation worsened; now military courts refuse even to hear preliminary claims and complaints of torture, unless the accused presents to the court the full name of his torturers (this should be quite difficult, since torturers do not usually introduce themselves). It was also decided (Zot Haderech, 22/4/1970) that military courts will not investigate into the behaviour and conducts of interrogators during interrogation, "noting the importance and vitality of their security responsibilities in this area, it is the duty of the court to avoid disturbing them in their task" (from the proceedings of the Ramallah court, ibid.).

We are referring all interested individuals and organizations to the lawyers: Mrs. F. Langer, Koresh St. No. 14, Jerusalem; Mr. Ali Rafi', ibid.; Mr. Hanna Nakara, al-Khuri St. No. 23, Haifa and Mr. Sabri Jaris, Eliyahu ha-Navi St. No. 1, Haifa, for further information on the subject. The situation in our opinion is very grave and becomes continually worse. We would like to recommend in this forum constitution of an international commission of investigation, composed of judges from countries not hostile to Israel, which will

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investigate these allegations of torture, which in our opinion are well substantiated. We would like to bring to your attention that Amnesty International's recommendation of investigations to be carried out by Israeli judges was refused by the Government of Israel.

Expulsions\*

(1) Maariv, 6/9/1968, reported that four Palestinians were expelled to Jordan.

(2) Yediot Aharonot, 25/10/1968, reported that four Palestinian notables were expelled to Jordan, amongst which were a doctor, a pediatricist and the Vice-Mayor of Nablus.

(3) Maariv, 30/10/1968, reported that ten Palestinian notables expelled to Jordan included the Chairman of the teachers' association of the West Bank, the Chairman of the Red Crescent, three teachers and an education inspector.

(4) Yediot Aharonot, 25/11/1968, reports: eight Palestinians expelled to Jordan, mostly teachers, including two women. The expulsion was carried out after a quarter of an hour notice.

(5) Ha-Aretz, 15/12/1968, reports: an ex-police sergeant was expelled with all his family.

(6) Maariv, 10/2/1969, reports: seven youngsters expelled to Jordan.

(7) Ha-Aretz, 28/4/1969, reports: two women - a secretary of the women association in Nablus and her daughter - expelled.

(8) Ha-Aretz, 7/5/1969, reports: Doctor Faysal Kanaan, a dentist from Nablus, expelled to Jordan.

(9) Ha-Aretz, 21/5/1969, reports: a whole Bedouin tribe expelled from the Jordan valley.

(10) Maariv, 8/6/1969, reports: nine notables including teachers, a labour leader, the engineer of the town of Nablus - expelled to Jordan. They were not permitted to see their families before expulsion.

(11) Maariv, 3/7/1969, reports: three Palestinian notables exiled for three months: a doctor and two lawyers.

\* This is a selection referring only to the period Sept. 1968-March 1970. In many cases expulsion is referred to in the Israeli press as "permission to pass over to the Eastern bank of the Jordan".

(12) Ha-Aretz, 9/3/1969, reports: seven Palestinians from the Gaza Strip expelled to Jordan.

(13) Ha-Aretz, 31/3/1969, reports: "The priest Elias Khuri has agreed to sign a request for expulsion to Jordan".

(14) Ha-Aretz, 17/9/1969, reports: an education inspector and an apothecary expelled to Jordan.

(15) Ha-Aretz, 17/4/1969, reports: Dr. Muammer from Beit Hanina (near Jerusalem) expelled to Jordan.

(16) Maariv, 16/9/1969, reports: two Palestinian notables from Hebron expelled to Jordan.

(17) Maariv, 24/4/1969, reports: five of the chief educators of the West Bank expelled to Jordan.

(18) Ha-Aretz, 7/10/1969, reports: Nadim al-Zaru, the mayor of Ramallah, and nine notables expelled to Jordan.

(19) Ha-Aretz, 24/10/1969, reports: a student expelled to Jordan.

(20) Maariv, 4/11/1969, reports: three mukhtars of the Taamara tribe expelled to Jordan.

(21) Ha-Aretz, 17/12/1969, reports: six Palestinian notables from Gaza exiled to the Sinai desert for an unlimited period.

(22) Maariv, 19/3/1970, reports: five Palestinians expelled to Jordan.

We would like to draw your attention to a petition submitted to the occupation authorities by twenty-four Palestinian notables in protest of the expulsions of several Palestinian leaders, i.e. Lawyer Anton Abdallah from Jerusalem, Ibrahim Dakar and Kamal Nasir from Ramallah and Sheikh Abdallah Hamid al-Saih, the Mufti of Jerusalem (reported in Zot ha-Derech, 10/1/1968). It said: "This method is against international rules and the fundamental rights of an inhabitant to live on his land and in his house... Shamefully, the occupation authorities declared openly that the expulsions are punishments for non-collaboration. It is well known that it is the fundamental right of every individual under occupation régime not to collaborate with the conqueror so long as he does nothing to endanger the security of the ruling or the ruled."

Killing during curfew\*

- (1) Zot ha-Derech, 4/12/1968, three killed and six wounded in Gaza from the firing of the army into the crowd.
- (2) Ha-Aretz, 1/1/1969, a boy and a woman killed in Hebron. The official explanation: refused to stop when demanded to do so.
- (3) Ibid., 21/1/1969, army fires on a crowd of women, one woman killed, nine wounded.
- (4) Yediot Aharonot, 22/5/1969, an Arab who refused to stop at the demand of an army patrol killed in Gaza.
- (5) Ha-Aretz, 14/11/1969, two inhabitants of Rafah killed while being in the street during curfew hours.
- (6) Ibid., 1/5/1969, a boy killed in Nablus for similar reasons.
- (7) Ibid., 3/4/1970, an inhabitant of Beit Hanun (Gaza Strip) killed during curfew hours.
- (8) Ibid., 13/4/1970, an inhabitant of Gaza killed during curfew.
- (9) Ibid., 16/3/1970, an Israeli Arab killed in Gaza when army fired into the crowd.
- (10) Ibid., 24/3/1970, an inhabitant of Nablus killed during curfew.
- (11) Maariv, 24/4/1970, two inhabitants of Rafah killed during curfew.

Torture\*\*

- (1) Zot ha-Derech, 17/1/1968: Naim al-Ashhab, from East Jerusalem, arrested in Nov. 1967, complains of severe beating in the Jerusalem jail.
- (2) Ibid., ibid., curfew and investigations in a refugee camp in Gaza (31,000 inhabitants); male population from the age seventeen to sixty was removed into a closed compound and held for thirty-six hours in pouring rain and severe cold. A considerable number fainted.
- (3) Ibid., 21/2/1968, a wave of arbitrary arrests of women and youngsters in the West Bank and Gaza. More than 300 women, representatives of all-women organizations in the West Bank signed a petition addressed to Defence Minister M. Dayan, in which they complain: "The authorities are arresting many women with

\* A selection covering only the period Dec. 1968-April 1970

\*\* The selection covers the period 1968-1970

no reason; those women are not charged... The cruel and terroristic actions of the occupation authorities in Gaza Strip include destruction of huts, houses, citrus orchards, water well engines, curfews for several days irrespective of the needs of children and old men and prevention of first medical aid and necessary treatment of the sick."

(4) Ibid., 8/5/1968, after a non-violent strike in Ramallah and al-Bira travel in and out of the two cities was totally cut off; this was described as an "educational action".

(5) Ibid., 29/5/1968, Henri Habash, Nabil Diab, Walid al-Dusi, Ziad Hanna Amira, Muhammad Abu Kabir, Ziad Muhammad Abu Mazir from East-Jerusalem complained of being tortured at the Jerusalem police station and pointed out in court the policeman who tortured them. They were accused of distributing leaflets calling for a non-violent strike.

(6) Ibid., 24/7/1968, Lawyer Jamil Shalhub submitted a complaint to Defence Minister, Minister of Police and the Prime Minister, concerning the pupil Muaid Uthman al-Bahash from the Nablus al-Salahiyya Secondary School. He was arrested on 9/12/1967. No visits whatever for a period of six months. When finally allowed a visit he was found with his left hand completely paralysed and gave the following declaration of torture in the Sarafand Military Prison: "I was hanged by my hands to the ceiling, pulled down by the legs, flogged and beaten on my sexual parts until I lost consciousness. I was chained, hands and feet, and compelled to run under the compulsion of flogging. I was left alone only after I was bleeding in all parts of my body. Urine was poured over me. Electrodes were attached to my body and head and electrical current was sent through. Cigarettes were extinguished on my body and scars remained till this very day."

No investigation was carried out.

(7) Ibid., 4/9/1968, the prisoner Aballa Shafiq Taha Adama on meeting her lawyer F. Langer at the Jerusalem gaol, in the presence of Ali Rafi' and Inspector Golan, burst into tears and complained of torture; Inspector Golan tried to hush her, yet to no avail. She told that immediately after her arrest she was put into a cell with several Jewish prostitutes, who stripped her naked in the presence of the policemen and beat her brutally. Then, still naked, she was put into punishment cell, where she was denied elementary sanitation facilities and was

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forced to relieve herself in the cell for three days. She was left naked for eight more days and then brutally kicked by a policeman named Duwayk. She was pregnant and started to bleed. Her request for medical treatment was refused.

(8) Ibid., ibid., Luftia al-Huwari met her lawyer F. Langer on 12/8/1968 and told a similar story.

(9) Ibid., 17/10/1968, a demonstration of school girls in Nablus was broken by shooting into the crowd; several girls were wounded.

(10) Ibid., 4/12/1968, Yahya Asad Abd al-Rahman al-Jasim, secondary school pupil from Gaza, arrested in Oct. 1967. He complained of torture and was charged with subversive activities on 1/1/1968. For ten months he was waiting for his trial, and then the charge was cancelled, but the accused was not released, but remained in gaol by administrative ordinance issued on 30/10/1968.

(11) Ibid., 18/12/1968, Hasan Isa Hassan al-Batat, aged fifteen from al-Zahariyya near Hebron, arrested in the bus on returning from school on the charge of not carrying an identity card. He explained that since he is fifteen years old he is not entitled to an identity card; yet he was carried to Hebron gaol and was beaten on his head. He died a few hours after he was released. A local doctor identified the cause of his death as brain injury.

(12) Ibid., 26/12/1968, Uthman al-Aaraj from East Jerusalem was arrested during the demonstration of school girls near the Nablus Gate. He was brought to the Jerusalem police station, put into a cell and stripped naked. Three plain-clothes policemen beat him with a stick on his body, and specially on his sexual parts, inserted the stick into his rectum and then pushed it into his mouth. The prisoner was left naked and beaten again but still refused to confess. He was freed on 28/10/1968 and cautioned not to speak with anybody about his interrogation. However, he immediately consulted a doctor, who issued a statement asserting grievous bodily injuries. He then forwarded a complaint to the authorities. The next day, 29/10/1968, he was rearrested and held in an isolation cell until all marks of the torture disappeared, without being interrogated again. He was then freed.

(13) Ibid., ibid., Rajib Abd al-Muati Abu Ras from al-Bira was arrested in Oct. 1967, held six months in prison, charged and acquitted without being brought before a court. Rearrested immediately again by administrative ordinance and held in isolation. His fellow prisoners reported to his family that he was hanged by his

hands, lost several of his finger nails, and he was compelled many times to drink water from the faeces container. He was released on 12/11/1968, his torn-out finger nails were observed by his lawyer and a complaint was submitted to the Minister of Justice. On the next day he was again rearrested by administrative ordinance for the period of six months.

(14) Ibid., 28/1/1969, in his reply to the Israeli Parliament (Knesset) to a query concerning the killing of three Palestinians and the wounding of seven (including a six-year old child) Defence Minister M. Dayan stated that firing into the crowd is legal.

(15) Ibid., 26/3/1969, Quaim Abu Aqar, from East Jerusalem was arrested and died in the Jerusalem gaol. His death was not investigated, but his body was brought by the police straight to the cemetery and his family was compelled to bury him instantly.

(16) Ibid., 7/5/1969, Dawud Ali Ariqat, from Jericho, arrested on 23/3/1969. He was not allowed to see his lawyer for over a month, and on meeting him complained of torture in the Jerusalem gaol by plain-clothes policemen. A complaint was sent to the Minister of Police and Defence Minister.

(17) Ibid., 18/6/1969, the following are details of the conditions in Hebron gaol: prisoners are permitted to relieve themselves only twice a day, at 7.00 p.m. and 6 a.m., each time for one and a half minutes. Washing is allowed only twice a week and not allowed on other days, even for lustration before daily prayers. There are no daily walks and the density in the cells is terrible.

(18) Ibid., 23/7/1969, Naim al-Ashhab complains in a letter from his prison: "During my imprisonment I finally came to know the meaning of the Israeli democracy. Even in the field of medical treatment in gaol there is racial discrimination between Jews and Arabs... I have come to know Israelis encouraging and promoting the execution of homosexual assault against Arab political prisoners in full knowledge and approval of the prison management (the prisons concerned are Ramleh and Jerusalem gaols).

(19) Ibid., 20/8/1969, in the Military Court of Ramallah a long series of torture carried out in the Jerusalem prison was revealed. Lawyer Bashir al-Khayri, Abd al-Hadi Awda and Abu Hadidha, who were represented by the lawyers Antun Jasir and F. Langer, testified that they were prevented from seeing their lawyers for

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about a month, and finally, when Mr. Bashir al-Khayri was allowed to see his lawyer in the presence of the police and began complaining of the torture, he was immediately taken away on the claim that he was not speaking to the point. The police doctor was called by the prosecution in rebuttal and was proven in cross-examination not to have examined at all the accused.

(20) Ibid., 4/9/1969, Sami Abu Diyab, Abd al-Latif Id from East Jerusalem complained during their trial on the following tortures. Abu Diyab gave the following evidence: "I was beaten by a stick and iron wire, I was hanged by my feet upside-down and a bullet was inserted into my rectum until I lost consciousness." Abd al-Latif: "I was beaten with a nailed ruler, I was beaten on my eyes, I was hanged down by chained feet, a bullet was inserted into my rectum and I lost consciousness." When the prosecutor suggested that they were lying Abu Diyab answered: "We have honour and we are speaking the truth. It is the interrogators who lie because they are torturing us and then swearing in court that they never touched us."

(21) Ibid., ibid., prison conditions in the Ashkeon jail,: prisoners are forbidden to address their warders, unless they literally lower their head, they sleep in shifts on the floor (without mattresses). The prisoners, who by and large are on administrative detention and are mostly educated, are refused books and other reading material. Prisoners are allowed to relieve themselves only twice a day (7 p.m. and 6 a.m.) for one and a half minute only.

(22) Ibid., 24/9/1969, Yusuf Abdallah Udwan, prisoner in Tul-Karm by administrative ordinance dated 29/3/1969. He was refused permission to see his lawyer F. Langer. On 8/9/1969, he was brought to the Commission of Appeal and his lawyer has seen him there. He reported of rough beating by sticks in all parts of his body until he could not move about by himself for long periods. He was tortured by electrical instruments and lighted matches. A favourite torture consisted of burning his lips with lighted matches and asking him to put them out. The representative of the International Red Cross was not allowed to see him. The chairman of the Appeal Commission refused to hear anything on this matter claiming that it is no business and no concern of the Commission.

(23) Ibid., ibid., Ishaq Ali al-Marajai, from East Jerusalem, arrested in March 1969, complains of being hanged by the feet and flogged in this position,



beaten on his head with a stick, and had hot and cold water alternately poured over him. He was also tortured with electrodes. He is incapacitated to this very day, and the scars on his head are clearly visible.

(24) Ibid., 19/11/1969, on further sessions of the Ramallah Military Court on Bashir al-Khayri case, the prisoner reported again on torture undergone in the Jerusalem gaol. When cross-examined by the prosecutor on his torture allegations he declared in the court: "The prosecutor says there are no beating and torture in your régime. He tries to show that my evidence is a lie. I ask this court to visit right now the prison of Ramallah which is situated only a few metres away, and I will show you scores of people who have undergone torture, bleeding all over, and with broken hands. If you truly want to do justice please fulfil my request." His lawyer F. Langer supported his petition, but the reply of the court was: "You must defend yourself and not others, and we are not interested in visiting prisons."

(25) Ibid., 6/5/1970, in her open letter to the Minister of Police entitled "Where is truth, Mr. Police Minister?" Lawyer F. Langer sums up cases of torture reported to her during the past six months:

(a) Abd al-Mutallib Abu Ramila, from East Jerusalem was reported insane three months after his imprisonment.

(b) Naim al-Ashhab was again beaten, this time by Jewish prisoners in the Shatta prison, who were reported to be instigated to do so.

(c) Abd al-Hadi Awda and Abu Hadidha (see also item 19) gave evidence in the Ramallah Military Court and reported on the tortures they have undergone during police interrogations in Jerusalem. Abu Hadidha has shown the court the wounds on his head. He also reported on the tortures he has undergone in the Sarafand gaol

In this open letter to the Minister of Police, Lawyer F. Langer says: "Your Honour is informed of Ishaq Ali al-Marajai case. Mr. Marajai pointed out the names of the interrogators who have beaten him in the Jerusalem police station, and described his tortures (see item 23). The charges against him were cancelled and he is now an administrative prisoner. He is still incapacitated and the wounds on his head are still open. He was invited by police officers to testify on his complaints of torture, but was not allowed to invite his lawyer to be present during his testimony - and this was the end of the police investigation. The police ministry then alleged that he refused to testify and there was no further evidence to

support his claims. Can such procedure be called investigation? Why were those who could testify of being eye-witnesses, who have seen the prisoner beaten and bleeding not invited to give evidence? Why was the prisoner not allowed to testify in the presence of his lawyer?... Is the evidence engraved on the man's body not sufficient testimony?"

ANNEX VII

LETTERS ADDRESSED BY MRS. FELICIA LANGER TO THE MINISTER OF  
SECURITY OF ISRAEL REFERRING TO THE TREATMENT OF SOME OF  
MRS. LANGER'S CLIENTS WHILE UNDER DETENTION

Letter 1

20 November 1968

To: Ministry of Security, Ha Kiriya, Tel Aviv  
Lieut-Col Shabta Ziv, Judea and Samaria district,  
Military Government HQ, East Jerusalem

Re: The death of Hassan Isa Hassan Al Battal, from Al Dahari (nr. Hebron)

On behalf of my clients, the parents of the deceased, I appeal to you as follows:

On 28 August 1968, the 15-year-old son of my clients was travelling in a bus from his place of work to the village where he lived when the passengers' identity cards were examined. My client's son did not have a card because he was a minor, as he explained to the military policeman. He added that he was registered on his father's card, and that his father also had the certificates of the census. Even though the details were found to be true, the boy was taken to Hebron police station, where he was severely beaten to the point of collapse. (After returning home) he complained of pains in his neck; shortly afterwards he went to sleep; a short while later the parents noticed his body was stiffening. He was taken by ambulance to Alia Hospital in Hebron, where he was certified dead on arrival. According to the post mortem, of which I have a copy, it was declared that he died of a stroke resulting from 12 hours of continuous pressure on the brain. His back was completely blue. All the circumstances of this case prove there was a criminal act, and those responsible must be severely punished. I therefore request you to order an immediate investigation. I await your reply.

Yours faithfully,

F.L.

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Letter 2

11 September 1969

To: Minister of Security,  
Hakirya, Tel Aviv  
  
Minister of Police,  
Jerusalem

Re: Abdullah Yousuf Odwan in Tulkarm Prison

My client is detained under an administrative detention order dated 29 March 1969. According to my client, army personnel and police started beating him in a most brutal manner immediately after his arrest. They told him "we will stop when you speak". They told my client (a communist) "you spent nine years in Eljaffr under King Hussein, but with us you will speak within nine days". My client was personally threatened by the Governor of Tulkarm who told him that if he didn't speak he would stay in gaol forever. My client was severely beaten from the day of his arrest and intermittently in the course of over a month. He was beaten all over his body, in his genitals and especially on his feet. He was also tortured with an electrical appliance. The investigators threw burning matches at him, and also brought them to his mouth as a joke. These tortures were accompanied by threats and curses to my client whom his accusers considered a communist. The names of those who beat him were Yitshak Sizertis, Sol Bern, Corporal Levi, and a member of the Security Service called Yousuf Sayyard. A client also claimed that several other people, whose names he does not know, took part.

During this period until the 8th or the 9th, [sic] 1969, I was not allowed to see my client. My personal appeal to the Governor of Tulkarm and my appeal by telegram to ..... were not answered. (My client's parents had told me that their son had been beaten which was why contact with him was denied to them as well.) Furthermore, throughout this period my client was denied the right to see a Red Cross representative in spite of his request. His hearing was affected and even today, several months later, the marks of beatings on his legs are visible. I therefore request you to thoroughly examine the serious complaint of my client who

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has throughout protested his innocence. He can provide witnesses who saw him brought from investigation in a state of collapse after torture. They can be at your disposal whenever required. It is unnecessary to mention that such outrageous acts should be punished with all the severity of the law in order that similar cases should not be repeated.

I await your reply,

F.L.

Letter 3

3 February 1970

To: Minister of Security,  
Hakirya, Tel Aviv  
  
Minister of Police,  
Jerusalem

Re: Mohammed Hassan Diab, administrative detainee, Damoun Prison

My client was arrested on 16 November 1969, and claims he was immediately taken to the Jerusalem Police. His hands and feet were beaten with a stick and leather straps. His interrogators also used an electrical apparatus which they connected to his ears. He was then put in solitary confinement for 47 days, and was not allowed any visitors. Two of those who beat him were called, "Rafi and Dani." My client also claims that 6 other people took part in the beatings, but he does not know their names. All of them were in civilian dress. He was charged with being a Communist, and told to confess to this, and also to contacts with various individuals. My client refused to admit to anything. He claims he was then taken to Sarafand where he stayed 14 days, and where he was also tortured. His hands were bound and on several occasions he was stripped and cold water was poured over him. He complains of severe rheumatic pains, and pains in his chest following this. As I have already mentioned, I visited him in the middle of December 1969, at the C.I.D. section in Jerusalem, and obtained his signature for a power of attorney, but was not allowed to talk to him on the grounds that investigation was still underway. On the 7th January 1970, I visited Jerusalem prison, but this time I was only allowed to see him from a distance and not to talk to him. (On the 9th December I was told he was in Ramle and on the 24th I

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was refused permission to see him.) So it was not until the 29th January when I saw him in Damoun that I heard my client's story. He claims the ban on talking to him was motivated by the fear of his interrogators that he would reveal the truth about the beatings and torture he suffered in Jerusalem and Sarafand.

I request you to investigate this complaint which concerns outrageous and inhuman methods of investigation. It is unnecessary to mention that no charges have been brought against my client, and that his detention is administrative only, which suggests that somebody "tried" to find incriminating material against him at all costs. The authorities refusal to allow his lawyer to speak to him freely for 47 days adds substance to his complaint.

I await your answer etc.,

F.L.

Letter 4

27 January 1970

To: Minister of Security,  
Jerusalem

Re: Abdul Mutlab Abdul Salim Abu Rumeile of East Jerusalem, in Ramle Prison

My client was arrested on 8/3/69, and charged at Lydda by the chief Military Prosecutor (Asgan Aluf Cadmi - file; Lydda 24, A6921) with various offences under the Defence Regulations (Emergency) 1945. According to evidence given by members of his family and the lawyer who acted on his behalf before me, my client was in full possession of his faculties until the 20th June, 1969. He claimed that during the period between his arrest and this date he was severely tortured while being investigated for a month in Jerusalem, and that he suffered both physical and mental injuries. He described how he had been beaten, tortured with an electrical apparatus, and burned with lighted cigarettes. The marks of the latter are still fairly visible on his left arm. According to evidence my client suffered severe mental damage, and lost possession of his faculties after the 20th June 1969 - a state which persists to this day. A medical examination was made by Dr. J. Streich, deputy district psychiatrist, and Director of the Mental Health Institution at Peta Tiqua, which revealed that my client is no longer able

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to control his bowel movements, is unable to identify people around him, and cannot speak coherently. In consequence, Dr. Streich declared him unfit to appear in court. On 14 October 1969, the military court in Lydda declared that "there appears to be no possibility of bringing the accused to trial on account of his mental state". My client had been in good physical and mental health both before and for a period after his arrest. There are witnesses who knew him before his arrest - both Jews and Arabs - as a successful business man. There are also witnesses who can testify about the state in which he was brought back to his prison cell after interrogation. My client's health has not improved. He has not even been put into a suitable hospital, but is still in Ramle Prison. On 16 January I saw him and he appeared as a man who was quite insane, "who had become a piece of broken pottery". According to claims made by my client while he was still mentally fit, claims which are upheld by members of his family as well as the witnesses already mentioned, my client's state was caused by illegal methods of investigation, including blows and torture. In view of the seriousness of this case, in which the police and/or the security service are suspected of transforming a healthy man into a physical and mental wreck, I urgently appeal to you to appoint a commission of inquiry so that those responsible may be punished. I can provide names of witnesses, together with their addresses, any time you wish.

Yours faithfully,

F.L.

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APPENDIX

Decision of the Military Court of the Mid Negev  
concerning Abdul Mutlab Abu Rumeile

Israel Defence Forces,  
Military Court of the Mid Negev,  
Lydda Session.

Court File No. 21/69/A24.

The Military Prosecutor versus Abdul Mutlab Abu Rumeile

Decision:

It appears to the court in view of what has been said in 2/T that it is not possible to bring the accused to trial because of his mental state. In accordance with regulation 46 b (2) of the Defence Regulations (Emergency) 1945 the court orders the accused to be kept under detention for as long as the Ministry of Security requires. The court recommends that the accused be given medical treatment while under detention.

Sgan Aluf A. Alpern, Major S. Aharoni, and  
Captain J. Gishes (?)

14/10/69

I herewith confirm that the above is a true and exact copy of the decision of the court in file No. 21/69/A24, made under my supervision.

Sgd. Haim Pelovsky  
Officer of the Court

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