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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 honor to transmit to the members of the General Assembly the attached report, which was submitted to him by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in accordance with paragraph 10 (c) of [resolution 3092 B \(XXVIII\)](#) of 7 December 1973.

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LETTER OF TRANSMITTAL

25 October 1974

Sir,

In accordance with General Assembly resolution 3092 B (XXVIII), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has the honor to present the attached report formulated in accordance with the terms of General Assembly resolutions [2546 \(XXIV\)](#), [2727 \(XXV\)](#), [2851 \(XXVI\)](#), [3005 \(XXVII\)](#) and [3092 B \(XXVIII\)](#).

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

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

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

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

I. INTRODUCTION

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

2. The following Member States were appointed on 12 September 1969 to serve on the Special Committee: Somalia, Sri Lanka and Yugoslavia. The Government of Somalia appointed Mr. Abdulrahim Abby Farah, Permanent Representative to the United Nations at that time, as its representative on the Special Committee. The Government of Sri Lanka appointed Mr. H. S. Amerasinghe, Permanent Representative to the United Nations, as its representative on the Special Committee. The Government of Yugoslavia appointed Mr. Borut Bohte, Associate Professor of the Faculty of Law of Ljubljana University and Member of the Federal Assembly of Yugoslavia, as its representative on the Special Committee. On 24 June 1971, the Government of Somalia informed the Secretary-General that Mr. Hussein Nur Elmi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Somalia to the United Nations, had been appointed to act instead of Mr. A. A. Farah on the Special Committee. On 26 April 1974, the President of the General Assembly at its twenty-eighth session informed the Secretary-General that Somalia had decided to withdraw from the Special Committee and that, in conformity with paragraph 2 of General Assembly resolution 2443 (XXIII), he had appointed Senegal a member of the Special Committee. On 30 April 1974, the Permanent Representative of Senegal to the United Nations informed the Secretary-General that his Government had appointed Mr. Keba M'Baye, Chief Justice of Senegal (Premier President de la Cour supreme du Senegal), as its representative on the Special Committee.

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

4. On 17 September 1971, the Special Committee submitted its second report ([A/8389](#) and [Corr.1 and 2](#)), prepared in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV). On 10 December 1971, the Special Committee submitted a third report (A/8389/Add.1 and Add.1/Corr.1 and 2) containing information which had become available after the completion of its second report. Those reports were discussed in the Special Political Committee at its 798th to 803rd meetings, from 13 to 16 December 1971. On 20 December 1971, the General Assembly considered the report of the Special Political Committee 3/ and adopted resolution 2851 (XXVI).

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

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

7. The present report has been prepared in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII) and 3092 B (XXVIII).

II. ORGANIZATION OF WORK

8. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General. 6/

9. The Special Committee held a series of meetings at United Nations Headquarters from 4 to 7 February 1974 to review its mandate consequent on the adoption by the General Assembly of resolution 3092 B (XXVIII) and to decide on the organization of its work for the year. The Special Committee decided to continue its system of monitoring information on the occupied territories and to hold periodic meetings to analyze the information to keep track of the occupying Power's policies and practices in the occupied territories. At those meetings, the Special Committee reviewed information on the occupied territories which had become available since 15 October 1973, the date of the adoption of its fifth report (A/9148). The information to which the Special Committee attached importance related to reports in December 1973 of the expulsion of eight persons, prominent in the life of the West Bank. The Special Committee decided that it would hear the testimony of those persons and of others who had first-hand and corroborative evidence of conditions in the occupied territories and that it would travel to the Middle East for that purpose.

10. At the meetings, the Special Committee decided to communicate with the Governments concerned. On 6 February 1974, the Special Committee addressed a letter to the Governments of Egypt, Jordan, Lebanon and the Syrian Arab Republic referring to Assembly resolutions 3092 A and B (XXVIII) and stating that it was ready to receive any information, preferably the identity and whereabouts of individuals who could give evidence of a first-hand or corroborative nature, relating to the policies and practices referred to in resolution 3092 B (XXVIII).

11. The Governments of Egypt and the Syrian Arab Republic were asked to furnish further information on allegations of violations of human rights that they had made earlier.

12. The Governments of Jordan and Lebanon were requested to furnish information on the whereabouts of the eight persons who were reported to have been expelled from the West Bank by Israel in December 1973.

13. On 6 February 1974 the Special Committee, in an effort to secure the co-operation of the Government of Israel, addressed the following note to the Secretary-General:

"The Special Committee has examined General Assembly resolutions 3092 A and B (XXVIII) entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories', adopted on 7 December 1973. In resolution 3092 B (XXVIII) the Assembly:

"Deplores the continued refusal of the Government of Israel to allow the Special Committee access to the occupied territories ..."

"and

"Requests the Secretary-General:

"(a) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices affecting the human rights of the population of those territories'.

"The Special Committee notes that, in the course of the debate on its report [A/9148 and Add.1] at the twenty-eighth session, the representatives of Israel confirmed their Government's refusal to co-operate with the Special Committee.

"In the view of the Special Committee, as expressed in all its reports to date, a visit to the occupied territories would be most helpful in the execution of its mandate. For this reason, and notwithstanding the statements made by the Israeli representatives this past session, the Special Committee would be most grateful if another attempt were made by you on its behalf to obtain the co-operation of the Government of Israel."

14. On 7 June 1974 the Secretary-General addressed the following note to the Permanent Representative of Israel to the United Nations:

"The Secretary-General of the United Nations -presents his compliments to the Permanent Representative of Israel to the United Nations and has the honor to draw his attention to General Assembly resolutions 3092 A and B (XXVIII), entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories'.

"The Secretary-General would in particular call attention to paragraph 10 (a) of resolution 3092 B (XXVIII) in which the General Assembly requested the Secretary-General to 'render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices affecting the human rights of the population of those territories'.

"The Secretary-General would appreciate the assistance of the Government of Israel in enabling him to comply with this request of the General Assembly.

15. On 12 March 1974 the Chairman of the Special Committee addressed the following letter to the International Committee of the Red Cross (ICRC):

"I have the honor, on behalf of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, to draw your attention to resolutions 3092 A and B (XXVIII) entitled 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories', adopted by the General Assembly at its twenty-eighth session.

"In operative paragraph 9 of this resolution [3092 B (XXVIII)] the General Assembly requested the Special Committee, 'pending the early termination of Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter'.

"The General Assembly has addressed similar requests to the Special Committee in the past. It may be recalled that, in accordance with these requests, correspondence was exchanged between the Special Committee and your organization on questions of common interest, in particular, the implementation by Israel of the Fourth Geneva Convention 7/ in the occupied territories of the Middle East. The Special Committee understands the predicament in which your organization finds itself in its attempt to implement a humanitarian instrument in such a complex and delicate political situation as that prevailing in the occupied territories; indeed the Special Committee itself has had to function under similar difficulties and, in fulfilling the mandate given to it by the General Assembly, has had to dispense performance with visits to the occupied territories apart from being denied all co-operation from the Government of Israel. In an attempt to overcome this problem, the Special Committee has, ever since its first report (A/8089, paras. 155-156), 8/ recommended an alternative arrangement. This recommendation was repeated in the subsequent reports of the Special Committee (A/8389 and Corr.1 and 2, paras. 90 and 91; A/8828, paras. 93-99; A/9148, para. 148).

"The Special Committee has, therefore, noted with great interest the ICRC's proposal made on 12 December 1973 for the setting up of joint commissions of inquiry. As you are aware, the ICRC's proposal is almost identical to that made by the Special Committee for the first time in 1970.

"The Special Committee also notes that, in the appeal issued on 21 January 1974, the ICRC referred to its proposal and reminded all States parties to the Geneva Convention 'whether involved or not in the Middle East conflict, of the common responsibility which they assumed'. Similarly, the General Assembly in 1971 [resolution 2851 (XXVI)] and 1972 [resolution 3005 (XXVII)] requested all States parties to the Fourth Geneva Convention to do their utmost to ensure that Israel respects and fulfils its obligations under that Convention. In the same appeal, the ICRC referred to the conflict between political and humanitarian considerations, resulting in the deprivation of the subjects of these Conventions from the protection afforded by those instruments. The Special Committee shares the view that implementation of such Conventions should not be conditional. It would hope that finally, perhaps with the support of your organization, an acceptable formula could be found to ensure the inhabitants of the occupied territories the protection of which they have been deprived since 1967.

"In view of the several points held in common by the Special Committee and the ICRC, and the shared desire for ensuring the proper discharge of international obligations particularly as regards international humanitarian law, it would be a service to our common cause if the Special Committee could receive from the ICRC any further information available to it. The Special Committee will hold a short series of meetings in Geneva in May and would be glad to hear from the ICRC on that occasion."

16. On 4 April 1974 the ICRC delegate to International Organizations replied as follows:

"On behalf of the International Committee of the Red Cross, I have the honor to acknowledge receipt of the communication which you were good enough to address to the President of the Committee on 12 March 1974.

"The International Committee has taken note of the desire of the General Assembly, reiterated in its resolution 3092 B (XXVIII), that the Special Committee should consult, as appropriate, with this organization.

"The International Committee is also aware of the efforts made by the Special Committee in recent years to discharge its mandate as evidenced by the recommendations which were made by the Special Committee in several of its reports to the General Assembly and which you mention in your letter.

"Furthermore, the International Committee notes that the steps which it took in December 1973 and January 1974 have not escaped the attention of the Special Committee.

"As we have had occasion to point out in previous exchanges of correspondence, the information which the International Committee makes public is naturally at the disposal of the Special Committee. On the other hand, it must be repeated that the functions which the Red Cross, under the Geneva Conventions of 1949, 9/ is required to discharge with regard to all the parties to a conflict oblige it, on grounds of discretion and impartiality, to communicate the results of certain activities, or certain approaches, to the directly interested parties only.

"After allegations of violations of the Geneva Conventions were brought to its notice by each of the belligerents following the resumption of hostilities in the Middle East in October 1973, the International Committee, in a spirit of impartiality, transmitted to all the parties to the conflict its proposal for the establishment of joint commissions of inquiry.

"Moreover, the call addressed to the States parties to the Geneva Conventions on 21 January 1974, reminding them of their obligations to respect and also ensure respect for those Conventions, was made as a result of difficulties encountered by the International Committee in the discharge of its functions, difficulties which were depriving the victims of the conflict of the assistance and protection to which they were entitled.

"Hence, although the proposals made by the International Committee on 12 December 1973 coincide to some extent with suggestions made by the Special Committee, both the proposals and the appeal of 21 January 1974 differ from those suggestions in that they are addressed to all the parties to the Middle East conflict.

"In these circumstances, it does not seem advisable that any information other than what is normally available through the press releases, information notes and annual reports of the International Committee should be submitted by it to the Special Committee, whose mandate concerns only one of the parties to the conflict.

"You yourself have in fact been good enough to acknowledge the particularly difficult conditions in which the International Committee has to discharge its functions and endeavor to divorce humanitarian problems from any political context; the Special Committee will no doubt understand that the attitude of the International Committee in this matter is dictated solely by the interests of the victims needing protection."

17. On 2 April 1974 the Government of Egypt transmitted to the Special Committee its reply to ICRC on the ICRC proposal to establish commissions of inquiry into alleged violations of the 1949 Geneva Conventions by Egypt and Israel.

18. The Special Committee held a second series of meetings, from 3 to 17 May 1974, to examine information on the occupied territories, including allegations of violations of human rights in the occupied territories made by the Governments of Egypt and Jordan. Meetings were held at Geneva from 3 to 7 May 1974, at Beirut on 8 and 9 May 1974, at Damascus on 9 May 1974 and at Geneva from 10 to 17 May 1974. Witnesses were heard at the meetings at Beirut and Damascus. On 14 and 15 May 1974 the Special Committee viewed two films that had been made during the period 1969 to 1973 in the occupied territories and heard the testimony of their producer.

19. The Special Committee decided to secure copies of the films it had viewed, as well as copies of uncut filmed interviews it had also viewed, and to make these parts of the evidence recorded by it in accordance with its mandate.

20. The Special Committee scheduled a third series of meetings for September 1974.

21. On 7 September 1974, the Special Committee met at Geneva to discuss the request of the Government of the Syrian Arab Republic that the Special Committee investigate the allegation that Israeli forces had devastated the town of Quneitra during their withdrawal from 4 to 24 June 1967 in implementation of the Agreement on Disengagement between Israeli and Syrian Forces, signed at Geneva on 31 May 1974 (S/11302/Add.1, annex A). The Special Committee traveled to Damascus on 8 September 1974, visited Quneitra on 9 September 1974 and returned to Geneva on 10 September 1974. The Special Committee held meetings on 11 and 12 September 1974 to examine additional information on the occupied territories and to consider its report.

22. The Special Committee held a further series of meetings at United Nations Headquarters from 22 to 25 October 1974 to complete its consideration of its report to the Secretary-General and to adopt it.

III. MANDATE

23. The Special Committee's interpretation of its mandate was contained in its first report to the Secretary-General, 10/ in which the Special Committee determined the scope of its investigation in answer to the following questions:

- (a) Which are the territories that should be considered "occupied territories"?
- (b) Who is covered by the term "population" of the occupied territories?
- (c) What are the "human rights" of the population of the occupied territories?
- (d) What are the "policies and practices" referred to in General Assembly resolutions 2443 (XXIII) and 2546 (XXIV)?

In its subsequent reports (A/8389 and Corr.1 and 2, chap. II; A/8389/Add.1 and Corr.1 and 2, para. 8; A/8828, chap. II and A/9148, chap. I), the Special Committee reiterated this interpretation in the 'Light of the relevant General Assembly resolutions and continued to exercise its functions according to that interpretation. The Special Committee considers that the General Assembly requested it to investigate practices and policies of the Government of Israel affecting the human rights of the population of the territories occupied by Israel as a result of the hostilities of June 1967. Subsequent to the implementation of the Egyptian-Israeli Agreement on disengagement of forces in pursuance of the Geneva Peace Conference

(S/11198, annex), signed on 18 January 1974, and the Agreement on Disengagement between Israeli and Syrian Forces (S/11302/Add.1, annex A), signed on 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements (S/11198/Add.1 and S/11302/Add.3). In its first report, 11/ the Special Committee defined those rights as, briefly, those which the Security Council referred to as "essential and inalienable" in its [resolution 237 \(1967\)](#) of 14 June 1967. The instruments of international law in which those rights are defined are the Geneva Convention relative to the Treatment of Prisoners of War, 12/ of 12 August 1949, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 13/ of 12 August 1949, and The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land. 14/

24. In its fifth report to the Secretary-General (A/9148, para. 15), the Special Committee considered that, by resolution 3005 (XXVII), the Assembly had broadened its mandate to include the application of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (14 May 1954). 15/ The Special Committee cited the relevant provisions of that Convention and gave its interpretation of international law relating to protection of cultural property in occupied territories. In addition, the Special Committee gave due attention to the question of rights concerning property in occupied territories and the relevant sections of The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land. It did so because of the considerable evidence before it on the disposal of property in the occupied territories by the occupying Power or by agencies for which it was responsible.

25. The Special Committee must emphasize that the population of the occupied territories, by the very fact of its being in a territory occupied as a result of hostilities, is entitled to the special protection afforded by international law. This protection, in so far as the right to return is concerned, equally applies to those persons normally resident in the areas now under occupation, but who have left those areas under the pressure of the hostilities. This was stated by the Special Committee in its first report. 16/

26. The Fourth Geneva Convention 17/ of 1949 and The Hague Conventions of 1899 and 1907 are the specific instruments that provide this special protection. As stated in article 154 of the Fourth Geneva Convention, "this ... Convention [is] supplementary to Sections II and III of the Regulations annexed to the ... Conventions of The Hague".

27. These instruments seek to protect the person and property as well as the identity of the population under occupation. The right of the population of the occupied territories to an identity of their own is further strengthened by the unequivocal pronouncements of the General Assembly, notably its [resolution 181 \(II\)](#) of 20 November 1947, whereby their right to a homeland was acknowledged.

28. The mandate of the Special Committee, therefore is, to ascertain whether the policy or practices of the occupying Power constitute an infringement of the rights of the population of the occupied territories.

29. The Special Committee's procedure has been and remains to determine whether the evidence before the Special Committee proves beyond reasonable doubt that the policies and practices of the Government of Israel in the occupied territories constitute an infringement of those rights which are protected under international law in conditions of occupation, taking into account the reasons adduced by the Government of Israel in justification of such policies and practices.

IV. ANALYSIS OF EVIDENCE

30. Consequent on the adoption of General Assembly resolution 3092 B (XXVIII), the Special Committee continued its investigation of allegations of violations of human rights of the population of the occupied territories.

31. The Special Committee, though still denied access by the Government of Israel to the occupied territories to conduct its investigation on the spot, continued to follow, on a day-to-day basis, developments in the occupied territories reports of statements by members of the Government of Israel and other Israeli leaders. The Special Committee expanded its coverage to include a representative section of the Arab press. The Special Committee had before it evidence furnished by Governments in substantiation of allegations made to it by those Governments. The Special Committee heard the testimony of 21 persons (A/AC.145/RT.59-61). In addition, the Special Committee took note of information contained in United Nations documents, some of which contained the texts of letters from the Governments of Israel, Jordan and the Syrian Arab Republic (see annex below). The Special Committee also took note of the information communicated to it by the International Committee of the Red Cross and contained in its publications, among them, principally, The ICRC in Action Information Notes and the annual report of the ICRC. 18/ The Special Committee took note of other evidence in the form of studies and reports prepared by organizations and individuals engaged in research on the Middle East question, such as the Institute of Palestine Studies of Beirut and, in the form of films, such as "Jerusalem ... Never" and "They did not exist".

32. As in the past, the Special Committee did not allow its investigation to suffer from the Government of Israel's refusal to co-operate with it. However, there remain certain allegations, the investigation of which could be more thoroughly conducted in situ. The investigation of such allegations continues to be seriously hampered by the Government of Israel's persistent denial to the Special Committee of access to the occupied territories.

33. In its investigation of the policies and practices followed by Israel in the occupied territories to establish whether or not those policies and practices were in violation of the human rights of the population of those territories, the Special Committee examined those sources which it deemed unimpeachable, namely the statements made by the members of the Government of Israel and other Israeli leaders, as well as Israeli reports of measures being taken in the occupied territories, where such statements and reports have not been challenged, contradicted or refuted.

34. At the twenty-eighth session of the General Assembly, the Chairman of the Special Committee expressed the Special Committee's view in the Special Political Committee that it saw no further purpose in furnishing the Assembly with more evidence until and unless major changes in the situation took place. It had presented the Assembly, through the Secretary-General, with all the necessary information and it was incumbent on the General Assembly to take appropriate action to remedy the situation of the civilians of the occupied territories. In the present report the Special Committee restricts itself to those areas of civilian life in the occupied territories where marked changes were detected, the situation in general remaining that reflected in the Special Committee's previous reports. In particular, the Special Committee wishes to state that, despite the

implementation of the agreements on disengagement of forces reached during 1974, the situation so far as the civilians under Israeli military occupation was concerned was not materially altered as the overwhelming majority of the civilian population brought under Israeli occupation in 1967 continued to remain under such occupation. In this sense, therefore, no change has occurred in the situation which forms the subject of the Special Committee's investigation.

35. The Special Committee found the evidence of Dr. Walid Kamhawi, physician, Mr. Abdul Jawad Saleh, Mayor of El-Bireh, Mr. Hussein Gaghoub, practicing lawyer, Mr. Dameen Hussein Oudeh, trade unionist, Mr. Abdul Mohsen Abu Meizer, practising lawyer, Mr. Arabi Musa Awwad, teacher and Mr. Jiries Awwad Qawwas, politician, who appeared before the Special Committee at Beirut, particularly interesting. This was the testimony of persons who, by reason of their profession, had had daily experience of life under military occupation and who were in a position that brought them in regular contact with a vast range of civilian persons and military occupation authorities. The Special Committee has had their testimony transcribed and issued as its documents A/AC.145/RT.59 to 61. Their testimony gave the Special Committee relevant additional information on the various aspects of life under occupation.

36. The Special Committee received evidence relating to the following allegations of violation of human rights of the population of the occupied territories:

- (a) Annexation and settlement of the occupied territories by Israel;
- (b) Demolition of houses;
- (c) Mass arrests;
- (d) Prison conditions;
- (e) Curfews, administrative detention and other measures;
- (f) Expulsion and denial of the right to return;
- (g) Measures of economic exploitation.

In the paragraphs that follow, the Special Committee has endeavored to give a representative selection of the evidence that it received.

A. Evidence relating to the policy of annexation and settlement

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

1. Continued existence of a policy of annexation and settlement

38. On 15 May 1974, the Jerusalem Post reported a statement by the Minister of Tourism, Mr. Moshe Kol, to the effect that Israel was setting up settlements in the occupied territories in order to remain there, "as this represents the future map of Israel".

39. On 31 July 1974, Radio-Israel reported a statement made by the Prime Minister, Mr Yitzak Rabin, in the Knesset, in connection with the attempt that had been made by some Israeli groups to establish a settlement in the village of Sebastia, north-west of Nablus. According to the report, the Prime Minister stated that the Government of Israel's policy of settlement of the occupied territories "was based on a series of priorities, on security and political considerations, on settlement requirements and on the existing possibilities and restrictions ... Only the Government of Israel has the right to decide when and where to establish a settlement and no infringement of this right would be accepted by the Government the Government will continue to establish settlements according to its plans and official decisions and it shall do all that is necessary to prevent the establishment of unauthorized settlements".

40. On 14 August 1974, Ha'aretz reported a statement made by the Minister of Defense, Mr. Shimon Peres, to the effect that the Government of Israel had its own priorities regarding the establishment of settlements in the occupied territories. Those priorities existed with regard to settlements in the Jordan Valley, the Rafah area (southern Gaza Strip), the Jerusalem area and the Golan Heights. According to the same statement, settlement in the northern part of the West Bank was postponed to a later date.

41. On 14 August 1974, Ma'ariv reported a statement made by the Minister of Justice, Mr. Y. Zadok, in the Knesset, declaring that settlement in the West Bank was regulated by the Government by virtue of the fact that Government permission had to be obtained to live in that area since, under military law, the West Bank was a "closed area". According to the statement, moving from Israel to the West Bank without an authorization issued by the military commander was considered an infringement of the law regulating the conditions of entry into the West Bank staying in the West Bank was not forbidden per se - it was forbidden when it was the result of moving into the area to settle or to help someone else to settle. The Minister quoted article 4 of the regulation controlling entry into the occupied territory of the West Bank whereby offenders are liable to two years' imprisonment, to a fine of EI 2,000, or to both.

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

(a) Gaza Strip

42. On 14 March 1974, the Jerusalem Post reported that the Jewish National Fund had completed "preparation" and on 200 out of 600 dunams set aside for "Yamit", an Israeli town planned to be established in the Gaza Strip. According to the same report 500 prefabricated housing units were to be set up and the Jewish Fund had completed plans to link the planned town of "Yamit" with the Israeli settlements already established near Rafah.

43. On 20 March 1974, Ma'ariv reported that the foundation stone of the first house in "Yamit" had been laid: the location of the projected town was given as 1.5 km from the coast and 8 km west of the Northern Road in Sinai.

44. On 3 March 1974, Ma'ariv reported plans to establish "during the commencing year" in the Gaza Strip, six moshavim, three kibbutzim and one municipal center. According to the Jewish agency, these settlements were planned 'to develop gradually into a town 71. On 14 March 1974, Ha'aretz reported that large-scale "land reclamation works" had been undertaken in the Rafah area for the four settlements planned for Rafah. The statement was attributed to Mr. W. Tsur of the Jewish National Fund.

45. On 25 June 1974, Ha'aretz reported that the Ministerial Committee for Settlement of the Territories of the Government of Israel had approved the establishment of a new kibbutz in the area between Gaza City and Khan-Unis.

46. On 30 July 1974, Radio-Israel broadcast that "reclamation" work had started on 1,800 dunams in the Rafah area.

47. On 20 August 1974, Ma'ariv and Radio-Israel and, on 21 August 1974, the Jerusalem Post reported the establishment of three new settlements in Rafah called "Succoth", "Messora" and "Eshel". According to the Radio-Israel broadcast, this brought the number of settlements in the area to seven.

48. On 2 August 1974, Ha'aretz reported a Government decision to establish six Nahal settlements in Rafah "in the commencing weeks".

49. On 13 September 1974, Ma'ariv reported the approval by the Committee for Settlement of the Territories of the establishment of four moshavim in Rafah.

(b) Golan Heights

50. On 3 and 7 May 1974, the Jerusalem Post carried reports of an announcement by Minister Israel Galili of a Government decision "that Israel will never give up the settlements in the Golan Heights".

51. The Jerusalem Post, on 3 May 1974, reported the establishment of a new kibbutz in the Golan Heights called "Hanev".

52. An earlier report by Ma'ariv, on 28 March 1974, announced the budget of the Jewish National Fund Settlement Department for 1974, allotting EI 34 million "for development of additional means of production and new agricultural branches in the new settlements in the Golan Heights". On 4 April 1974, the Jerusalem Post reported a statement by the Director of the Jewish National Fund and Development Authority in the Golan Heights declaring that "a record EI 20 million" would be spent in the Golan Heights during the new fiscal year on "preparing" 14,000 dunams of land for farming, building sites, field tracts and expansion of water resources.

53. On 12 July 1974, the Jerusalem Post reported a statement by the Minister of Housing, Mr. A. Ofer, announcing that an industrial urban center was planned for the Golan Heights and was to be started in September 1974.

54. On 19 August 1974, Ma'ariv reported that the Jewish National Fund was "preparing" 30 dunams of land in the Golan Heights for a regional agricultural center "to provide services" to agricultural settlements in the northern Golan Heights.

55. On 17 September 1974, at 1900 hours, Radio-Israel broadcast that the settlers who had originally established themselves in Quneitra without Government approval had received official recognition by the competent Government authorities and were to be transferred to a permanent settlement in central Golan Heights. The Radio-Israel correspondent is quoted as stating that housing for the settlers had already been started and special funds approved for the settlements. Industrial complexes were to be built to provide work for the settlers.

(c) West Bank

56. On 24 July 1974, Ha'aretz reported a statement by Mr. Moshe Dayan, former Minister of Defense, in the Knesset, concerning the West Bank. According to this report, Mr. Dayan stated that the West Bank was part of the fatherland and that Israelis had the right to settle there on a permanent basis in accordance with Government decisions, but that it was not necessary to take possession of the Arab land or to rule over the Arabs of the West Bank.

57. On 17 June 1974, Ha'aretz reported that the Jewish National Fund had reached an advanced stage in "preparing" land around the Israeli settlements in the Jordan Valley, the land was to be used for those settlements.

58. On 24 July 1974, the Jerusalem Post reported a statement by the Prime Minister of Israel, Mr. Y. Rabin, to the effect that the Israeli settlements established in the Jordan Valley were being set up "on the assumption that they will remain there and be included in [Israeli] control".

59. On 10 July 1974, Ha'aretz reported the planned establishment of a new settlement south of Hebron. According to the report, the foundation of the first 40 buildings had been laid and the settlement was to be populated by orthodox Jewish immigrants from the United States, the first 10 families having already arrived in Israel.

60. On 14 August 1974, Ma'ariv and An-Nahar carried a report which had already appeared in the WAFA - Palestine news agency - dispatch of 13 August 1974 concerning the number of Israeli settlers in the group of settlements known as the Etzion-Bloc: 300 Israelis were reported living in Kfar-Etzion, 100 in Rosh-Zurim where "two large groups of new immigrants" were expected, and there were 150 housing units in a regional center called Alon-Shevut, most of which were already occupied. According to the report the Etzion-Bloc settlers requested the Defense Minister, Mr. Peres, to evacuate Arab inhabitants living nearby and to annex their land. The Minister is reported as stating that the request would be examined but he did not see "at that stage any way to grant the settlers significant additions of land".

61. Reports appeared in January, June and September 1974 in the Israeli and the international press of attempts to establish settlements near Nablus by groups of Israelis who had not received Government authorization to do so and of the consequent reaction of the Government of Israel to those attempts.

(d) Sinai

62. On 28 March 1974, Ma'ariv reported a statement by the Government of Israel's Chief of the Civilian Administration of Southern Sinai, Mr. R. Aloni, announcing an additional expenditure of 91 30 million for construction of new houses in the Israeli settlements at Sharmel-Sheikh and the acceleration of development projects.

63. On 30 July 1974, at 1300 hours, Radio-Israel reported a statement by the Commerce Minister, Mr. H. Bar-Lev, declaring that Southern Sinai "was one of the most vital areas for the security of Israel" and that the Israeli settlement of Ophira was to become an industrialized city in 10 years' time. Mr. Aloni was quoted as stating that it was planned to have 1,000 families living there by 1978.

64. On 15 September 1974, the Jerusalem Post reported that 15 families were living in a new housing project at Sharmel-Sheikh and that another 44 families were to be given the keys of their houses within a few days.

B. Demolition of houses

65. The following evidence received by the Special Committee relates to the allegations of the continued resort to a policy and practice of demolition of houses.

66. On page 9 of the Annual Report, 1973 18/ of the International Committee of the Red Cross, it was stated that "a number of houses were destroyed in 1973, leaving many people homeless in the Gaza Strip and the West Bank of the Jordan".

67. On 10 December 1973, the Jerusalem Post reported the demolition of five houses in the village of Deir Abu Da'if, near Jenin, after four men had been arrested.

68. Mr. H. Gaghoub, a Nablus lawyer, testified before the Special Committee on 8 May 1974 (A/AC.145/RT.60, pp. 13-15) that the Israeli military occupation authorities had demolished houses of individuals before charges were brought against them and that some of those individuals had been subsequently acquitted by the Courts.

69. On 31 December 1973, the Jerusalem Post reported the destruction of three houses in a village near Nablus "because of the owners' involvement in recent sabotage incidents in the district".

70. On 10 January 1974, the Jerusalem Post reported that two houses, whose "owner [had been] arrested three weeks earlier on suspicion of membership in hostile organization", were demolished at Damoun, near Nablus.

71. On 17 January 1974, the Jerusalem Post reported that a house was demolished at Jamma'in, near Nablus, under the same circumstances as in the preceding paragraph.

72. On 21 March 1974, Ma'ariv carried a report of the demolition of a house and the sealing of a house and a bakery at Nablus.

73. On 1 April 1974, the Jerusalem Post and Ma'ariv carried reports on the demolition of houses at Jenin that were rented by a person whose son, Hassan Abu Halami, had been arrested two months earlier and accused of being a guerrilla.

74. On 17 April 1974, reports appeared in Ha'aretz and the Jerusalem Post of the destruction of a house at Nablus.

75. On 29 April 1974, Ha'aretz and the Jerusalem Post reported the destruction of three houses at Faq-uah, 12 km north of Jenin, the houses belonged to three suspects who had been arrested two months earlier.

76. On 17 April 1974, Ma'ariv reported the destruction of the house of the father of Kamal Darduk, who had been accused of killing an Israeli soldier.

77. On 3 June 1974, Ha'aretz, Ma'ariv and the Jerusalem Post carried reports of the destruction of a house in Jerusalem that had been rented by two brothers accused of murdering an Israeli taxi driver.

78. On 10 June 1974, Ma'ariv reported the destruction of a house at Tulkarm that had been inhabited by 24-year-old suspect who had been arrested a month earlier and against whom no charges had been filed.

79. On 17 June 1974, Ha'aretz reported the destruction of a house and sealing of three rooms at El-Aqra, near Jenin, after the arrest of four young inhabitants.

80. On 25 June 1974, Ha'aretz reported the demolition of the house of a young inhabitant of the Beit-Alama refugee camp near Nablus.

C. Mass arrests

81. The following evidence received by the Special Committee relates to the allegation of the continued adoption of measures, such as indiscriminate mass arrests, to intimidate the civilian population.
82. On 3 December 1973, the Jerusalem Post reported the arrest of 43 persons at Nablus.
83. On 31 December 1973, the Jerusalem Post reported the arrest of "a number of persons".
84. On 17 January 1974, the Jerusalem Post reported the arrest of 20 persons at Nablus.
85. On 4 April 1974, Ma'ariv reported the arrest of 70 persons at Nablus during the previous night.
86. On 4 April 1974, Ma'ariv reported the arrest of "several secondary school students" at Jenin and Tulkarm.
87. On 8 April 1974, Ma'ariv reported the arrest of "dozens of suspects" at Nablus, Tulkarm and the Gaza Strip.
88. On 8 April 1974, Ma'ariv reported the arrest of "several persons between 20 and 30 years of age" at Tulkarm.
89. On 10 April 1974, Ma'ariv reported the arrest of "several Persons" at Tulkarm.
90. On 19 April 1974, Ma'ariv reported the arrest of 160 persons, "most from the occupied territories", at Bnei-Braq. Of these, "140 were held and questioned all day and all night by agents of the police and the security services". On 21 April 1974, Ma'ariv reported their release.
91. On 21 April 1974, Ma'ariv and the Jerusalem Post reported the arrest of 20 persons, most of them from East Jerusalem.
92. On 24 April 1974, Ha'aretz reported the arrest of "dozens of Arabs"? from the West Bank and East Jerusalem: 10 from Nablus, 4 from Tulkarm, 3 from Jenin and the rest from Ramallah and other towns in the West Bank. Those arrests were described by Ma'ariv on 24 April 1974 as preventive detention to forestall disturbances on Israeli Independence Day. On 28 April 1974, Ma'ariv reported the release of these persons.
93. On 24 April 1974, Ma'ariv reported the arrest of "a group of terrorists" at Ramallah.
94. On 24 April 1974, Ma'ariv reported the arrest of 20 persons from East Jerusalem.
95. On 28 April 1974, the Jerusalem Post reported the arrest Of five persons from East Jerusalem and "scores of others" in the West Bank.
96. On 28 April 1974, Ha'aretz reported the arrest of "more than 40" persons in East Jerusalem. On 2 May 1974, Ha'aretz and Ma'ariv reported the arrest of "dozens" of persons at Nablus.
97. On 2 May 1974, the Jerusalem Post reported that "scores" of persons in the West Bank were still in custody for a second week.
98. On 12 May 1974, Ma'ariv reported the arrest of "dozens" of persons at Tulkarm.
99. On 14 and 15 May 1974, Ma'ariv and Ha'aretz reported the arrest of about 100 young Arabs, aged 22 to 30, in the West Bank.
100. On 14 June 1974, Ma'ariv reported the arrest of six persons from Nablus, Jenin and Tulkarm.
101. On 16 June 1974 the Jerusalem Post reported the arrest of four persons from East Jerusalem.
102. On 27 June 1974 Ha'aretz reported the arrest of 31 persons including 19 young women and 3 girls, in the Nablus area.
103. On 22 July 1974 Radio-Israel and on 24 July 1974 the Jerusalem Post reported the arrest of six persons from Arqa near Jenin.
104. On 24 July 1974, Radio-Israel reported a statement by the Police Minister Mr. S. Hillel, in the Knesset, that 92 persons from Jerusalem and the West Bank were arrested during March and April 1974. Of these 20 had been released 42 were still in prison and 30 were scheduled to go on trial.
105. On 15 July 1974, Radio-Israel reported a statement by the Defense Minister, Mr. Peres, in the Knesset, declaring that 800 persons from the occupied territories had been in prison for the preceding six months on charges of sabotage. WAFA, the Palestine news agency, reported the same statement on 24 July 1974 and gave the figure of 811 of which 507 were from the West Bank and 304 from the Gaza Strip.
106. On 25 August 1974, the Jerusalem Post quoted United Kingdom newspaper reports that 1,200 persons had been arrested since January.
107. On 24 August 1974, the International Herald Tribune quoted a New York Times report that according to "the Israeli Government official, 896 persons had been arrested in the West Bank".

D. Prison conditions

108. The following evidence received by the Special Committee relates to the allegations of ill-treatment of detainees and prison conditions.

109. On 12 March 1974, Ha'aretz reported that the inmates of Nablus prison had been refusing visits from relatives for two weeks "as a protest against the attitude of the prison authorities towards them"
110. On 5 March 1974, the Jerusalem Post reported that 200 soldiers and police were guarding Ramallah maximum security prison after there had been reports of a riot.
111. On 3 April 1974, Ma'ariv reported that the inmates of Nablus prison had gone on a work strike in addition to their month-long refusal to receive family visits. According to the report, the inmates were protesting against ill-treatment.
112. On 8 April 1974, Ma'ariv reported a demonstration by 200 persons at Nablus against "the attitude of the prison authorities". On 9 April 1974, Ma'ariv reported an end to the prisoners' strike at Nablus. On 15 April 1974, Ma'ariv reported that the strike was renewed.
113. On 14 April 1974, Ma'ariv reported that a demonstration at Nablus by students protesting against treatment of prisoners in Nablus prison had been prevented.
114. On 18 April 1974, the Jerusalem Post reported an announcement by the Police Minister, Mr. S. Hillel, of far-reaching relaxation's in Nablus prison.
115. On 30 April 1974, Ma'ariv reported a riot by six inmates in Nablus prison.
116. On 10 July 1974, Wafa, the Palestine news agency, reported that five inmates whose names were given had been seriously ill-treated in Sarafand and Al-Jalmah prisons.
117. On 26 August 1974, Ma'ariv reported that a man from Ramallah was sentenced to life imprisonment in Ramallah on 25 August 1974. According to the report, the man, Mohamed El-Rafaty, 32, had been arrested at the end of 1972.

E. Curfews, administrative detention and other measures

118. The following evidence received by the Special Committee relates to the allegation of measures adopted by the occupation authorities to harass the local civilian population. Such measures include curfews, administrative detention and other measures.
119. On 26 April 1974, Ma'ariv reported the imposition of a curfew on five villages, namely, Duma, Aqraba, Beit-Furiq, Majdal, Beni-Fadel.
120. On 8 May 1974, Ha'aretz reported a prohibition of grazing in the Jordan Valley affecting the villages of Beit-Furiq, Beit-Dajan, Aqraba, Salen and Mair.
121. On 24 September 1974, Al-Ahram reported an Associated Press dispatch concerning new restrictions imposed on civilians at Jenin. According to the report, no males were allowed to leave Jenin while an investigation continued into the killing of an Israeli in that town.
122. On 19 June 1974, Ha'aretz reported that 150 persons had been placed in administrative detention since April 1974.
123. On 26 July 1974, the Jerusalem Post reported that "several communist activists" in the West Bank were being placed in administrative detention. Ha'aretz reported the administrative detention of approximately 100 persons described as "communists" on 23 July 1974.
124. On 9 July 1974, Ma'ariv reported the administrative detention of 12 persons from Nablus, practically all from the liberal professions.

F. Expulsion and denial of the right to return

125. The following evidence received by the Special Committee relates to the allegation of the continued practice of expulsion of civilians from the occupied territories and the denial of civilians who had left the occupied territories of the right to return to their homes.
126. On 10 December 1973, the Jerusalem Post reported the expulsion of eight persons from the West Bank. Six of these persons were among those heard by the Special Committee during 1974.
127. On 14 March 1974, Ma'ariv and the Jerusalem Post reported the expulsion of two persons from the West Bank.
128. Radio-Israel and Ma'ariv reported on 22 and 23 July 1974 respectively that Israeli authorities were preparing to take measures to expel those persons who had not left after the expiry of their three-month permit to stay in the occupied territories under the "summer visitors program"; 300 such persons were reported to have stayed. According to the reports these persons were liable to heavy penalties.
129. On 1 August 1974, Ha'aretz and Radio-Israel announced the resettlement in 29 new houses of refugees who had been left homeless in 1971 when "security roads" were built in the refugee camps in the Gaza Strip. The reports also announced plans to resettle 300 Bedouin families who had been removed from their homes two years earlier.

G. Economic measures

130. The following evidence received by the Special Committee relates to the allegation of the continued exploitation of the resources of the occupied territories in violation of the applicable international law.

131. On 13 January 1974, the Jerusalem Post reported a statement by a Harvard University economist, Thomas Stopper, to the effect that Israel was earning \$400 million per year in oil revenues from Sinai oil wells.

132. On 16 April 1974, Ma'ariv reported that 35,000 persons from the occupied territories were officially employed in Israel in addition to "hundreds of others who are employed illegally". The statement was attributed to the then Labor Minister, Mr. Y. Rabin. A report in Ha'aretz on 26 May 1974 gives the figure of 38,000 workers from the occupied territories. On 5 September 1974, a report in Ma'ariv put the "real figure" at 80,000.

133. On 5 September 1974, Ma'ariv reported that, as a result of the employment of workers from the occupied territories in Israel, wages in the occupied territories had been forced up. Despite this, the West Bank was suffering from a shortage of labor.

V. DESTRUCTION OF THE TOWN OF QUNEITRA

A. Background

134. In response to a request by the Government of the Syrian Arab Republic that the Special Committee visit Quneitra to investigate the destruction which it alleged had been caused by the Israeli forces before their withdrawal under the agreement on disengagement of forces (S/11302/Add.1, annex A), the Special Committee decided that, since the allegation referred to the period when Quneitra was under Israeli occupation, the matter came within its terms of reference and a special visit to the area was therefore justified.

135. The Special Committee examined the complaint of the Government of the Syrian Arab Republic (A/9568-S/11396) and the reply of the Government of Israel (A/9570-S/11408).

136. The Special Committee arrived at Damascus on 8 September 1974 and spent the day of 9 September 1974 inspecting the town of Quneitra on foot and by car. During the course of its visit, the Special Committee recorded the evidence of two of the nine persons who had lived at Quneitra throughout the whole period of occupation. The Special Committee returned to Geneva on 10 September 1974. On 11 and 12 September 1974, it discussed its observations and decided to seek expert opinion from a person or persons having knowledge of civil engineering, ballistics and explosives on the manner in which the widespread destruction could have been caused and the time of its occurrence.

137. On 12 September 1974, the Special Committee addressed the following letter to the Secretary-General:

"...

"It would be most desirable if the Special Committee could be provided with expert opinion on the manner in which this widespread destruction and devastation could have been caused and the time of its occurrence.

"The Special Committee is of opinion that the expert advice which it seeks would demand knowledge of civil engineering as well as of ballistics and explosives.

"The Special Committee, therefore, has decided that a competent person or persons with the requisite qualifications and experience be engaged by the United Nations to undertake this assignment and submit a report to the Secretary-General of the United Nations. The report would have to be submitted to the Secretary-General in time for transmission to the Special Committee before 14 October 1974.

"The report should be fully substantiated, even graphically if necessary, and should deal with the following points:

"(a) To what extent the damage and destruction was, or would most probably have been caused by

"(i) Aerial bombardment, shelling or artillery fire;

"(ii) The use of heavy equipment, such as bulldozers;

"(iii) Explosives or other means.

"(b) During what period such damage or devastation would have been caused.

"As the matter is of the utmost urgency, the Special Committee would be grateful if prompt action could be taken to give effect to its decision."

138. On 24 October 1974, the Under-Secretary-General for Political and General Assembly Affairs addressed the following letter to the Special Committee:

"I refer to your letter of 1.2 September 1974 addressed to the Secretary-General in which you requested the services of an expert or experts in the field of civil engineering, ballistics and explosives to assist the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its investigations concerning the destruction of Quneitra.

"As you know from our earlier conversations, considerable difficulty has been encountered in obtaining the release of an expert or experts with the requisite qualifications, but you may be certain that the Secretariat will continue its efforts to meet the request of the Special Committee."

B. Observations

139. The Special Committee arrived at Quneitra at about 10 a.m. on 9 September 1974 and spent in all about five hours in the town. During its inspection, the Special Committee was accompanied by the Governor of Quneitra and officials of the Government of the Syrian Arab Republic.

140. The town of Quneitra presented a spectacle of total devastation, a complete wasteland. With very few exceptions, almost all the buildings, both public and private, were in ruins.

141. Two types of destruction were manifest, one of which was far more extensive than the other. The buildings were nearly all of solid concrete structure with heavy flat concrete roofs. In most cases, the roofs had collapsed practically intact and retained their structural pattern and shape. It was obvious that supporting corner pillars and interior structural supports had been demolished. In these cases, there were no signs of damage by fire nor were there any outward signs of the use of incendiary and other bombs. In a few cases the buildings had been smashed and the entire structure had been shattered without any slabs of concrete remaining in entire sections, as in the case of the buildings previously mentioned. In the second type of case, the steel rods providing reinforcement for the concrete were twisted and mangled. There was no evidence of craters that could have been caused by aerial bombardment. The streets of the town showed no marks of damage. The destruction, whatever its cause, had been selective and reflected a degree of precision and deliberateness that was inconsistent with aerial bombardment and the indiscriminate consequences of such hostile action. Of the buildings that were still habitable, one was being used by UNDOF (United Nations Disengagement Observation Force), and another was serving as the office of the Governor of Quneitra. Public utilities, such as water supply and electricity supply, had been put out of use and were gradually being restored. Electric pylons and electric poles on the main streets had been almost entirely destroyed. A two-storey building which had been a school accommodating a total of approximately 1,500 children, as stated by a former teacher of English in that school, was a total wreck. The military hospital of Quneitra, it was alleged, had been used by the Israeli army until it was evacuated in 1970; thereafter the occupying Israeli forces were alleged to have used the building for target practice. It was clear to the Special Committee that the building had been used for such a purpose. It had been subjected to machine-gun and grenade assault from outside. The Special Committee observed that windows had been completely blasted and smashed. The walls of rooms were intensively pockmarked with bullet holes and the partition walls and floors were extensively damaged. The rear of the building was intact. The building has been rendered totally unfit for use.

142. The Special Committee noted that the structure of three minarets and a church was not destroyed; one mosque had its minaret damaged by a shell and showed a gaping hole.

143. The Special Committee visited the Christian cemetery. Its attention was drawn to some of the graves, the tombs of which were in the shape of solid masonry structures above the ground; in most cases the doors to the tombs showed marks of having been opened by hand grenades and automatic weapons and the funerary offerings had been pillaged. The Special Committee saw skeletons in coffins in different stages of decomposition. It was alleged that the Syrian Christian custom provided for the dead to be buried with their most cherished worldly possessions, much of which were gold ornaments. These had been removed.

144. In brief, the town of Quneitra was one vast scene of unredeemed desolation. In contrast, pictures of Quneitra, as it stood before the occupation, showed a modern city with well-laid-out streets, solid structures indicating a level of prosperity which its present condition totally belied.

145. The Government of the Syrian Arab Republic alleged that "during the implementation of the Agreement on Disengagement between Israeli and Syrian Forces signed in Geneva on 31 May 1974, upon the withdrawal from the occupied Syrian territory, the Israeli forces perpetrated crimes of destruction of Syrian civilian villages, especially the destruction of the city of Quneitra, using for this aim explosives and bulldozers" (A/9568-S/11396).

146. The Government of Israel replied that it was "a matter of common knowledge that the damage and destruction caused in front-line villages and in the town of Quneitra are the direct result of acts of aggression carried out by Syria in various periods since 1967, culminating in its war of aggression against Israel in October 1973 ..." (A/9570-S/11408).

147. The Special Committee noted that the destruction of Quneitra extended to nearly all houses and buildings, public or private, to the local reservoir, the local electricity supply lines, and the Christian cemetery.

C. Considerations

148. The first question to be determined was whether the devastation was caused:

- (a) By aerial bombing;
- (b) By artillery or other ground-based shelling;
- (c) By fire;
- (d) By mechanical or manual means;
- (e) By a combination of one or more of these methods.

149. The second question that arose was whether and to what extent the devastation of Quneitra was or was not due to acts of war. If the

devastation resulted from an act of war, it would have occurred:

- (a) During the 1967 hostilities; or
- (b) During the 1973 hostilities; or
- (c) During repeated attacks from Syrian territory against Israeli forces when these held the town.

150. As a result of its inspection of the town, the Special Committee was in a position to eliminate certain of those hypotheses. The Special Committee studied additional evidence to enable it to form its conclusions.

151. The Special Committee observed that both parties appeared to agree that the present state of Quneitra was a result of events that occurred some time during the period from 1967 to 1974, while Quneitra was under occupation. The Israeli contention added that the actual state resulted from "acts of aggression carried out by Syria in various periods since 1967", including the October 1973 hostilities. Press reports describing the city - for example, the Jerusalem Post report of 26 June 1974 (the day of the completion of the disengagement plan) described Quneitra as "a total ruin hardly a single building having survived the six years of intermittent warfare intact" - would suggest that the devastation took place before 26 June 1974.

152. The evidence available to the Special Committee indicated that during the 1967 hostilities, the town of Quneitra was taken without fighting. In his report dated 2 October 1967, Mr. Nils-Goran Gussing, Special Representative appointed by the Secretary-General in implementation of Security Council resolution 237 (1967) stated: "although reports from Israel sources indicate that Quneitra was taken without fighting, the Special Representative observed throughout the city that nearly every shop and every house seemed to have been broken into and looted. A visit to one apartment building confirmed the thoroughness with which the looting had been done, and showed that in some cases dwellings had been set on fire after looting had occurred". 19/

153. In October 1973, it appeared that there was no fighting in Quneitra either. That was stated by two eye-witnesses, Mrs. Waded Nassif and Mr. Zudhi Shkay, who appeared before the Special Committee during its visit to Quneitra. Mrs. Nassif had made the same statement to the Israeli press when interviewed prior to the end of the occupation (Jerusalem Post, 30 June 1974, "One woman's stand in Quneitra", by George Leonof).

154. The Special Committee found it difficult to resist the conclusion that little, if any, damage was done to Quneitra during the hostilities of June 1967 and October 1973. It was commonly accepted that during the interim period no bombardment of Quneitra took place, either sporadically or intensively.

155. The hypothesis that devastation was not caused by warfare was further strengthened by the following considerations:

- (a) The repeated references in the Israeli press to Quneitra as "a ghost town" where most of the structures in the town were still standing (see, for example, the Jerusalem Post reports on 14 and 16 July 1972 under the following titles "Rubble cleared in Quneitra" and "Quneitra clearing to be limited to rubble");
- (b) The testimony of the two eye-witnesses in Quneitra, who stated that the devastation took place during the last few days preceding the withdrawal of the Israeli forces;
- (c) The fact that, despite the nearly complete destruction of houses, buildings and structures, the roads were undamaged;
- (d) The fact that nearly all structures had been demolished in the same manner, namely by the application of tremendous force (pulling or pushing) to some or all of the supporting structures (walls or pillars), thus causing the roof to collapse and bring down with it the entire building - a result that could have been achieved only by the use of heavy equipment such as bulldozers;
- (e) The existence of traces of the tracks of heavy equipment leading to certain buildings that had been demolished - these traces disappeared at the point where the rubble had collapsed. This indicated that heavy equipment had been used for the specific purpose of demolishing the building;
- (f) The existence of earth ramps that had been constructed to provide access to the upper portion of the supporting pillars of buildings indicating that this method of demolition had been used to enable the heavy equipment to weaken the supporting structures and at the same time to withdraw without the risk of having the building collapse on the heavy equipment;
- (g) The fact that the United Nations Observer Post, situated in the town and which had been in existence in Quneitra since 1967, was intact, whereas most surrounding structures had been razed to the ground;
- (h) The absence of vegetation on the ruins indicated that the destruction was obviously a recent occurrence, especially in the case of two adjoining houses which had been destroyed by explosives and where new small shoots were sprouting in the charred vegetation.

D. Conclusions

156. All relevant factors, taken together, created in the Special Committee the certainty that the devastation of Quneitra was predominantly a single and deliberately executed operation, that it was recent and that it took place from the ground, nearly always by the application of heavy equipment and sometimes by the use of explosives. Even a layman without any expert knowledge of ballistics or explosives could say that for the most part the destruction had not been caused either by aerial bombardment or by ground-fire or in the course of hostilities. It was too systematic and orderly to have been the result of the indiscriminate shelling and bombardment which occur in the course of hostilities.

157. For those reasons, the Special Committee felt a deep-seated conviction that the total devastation could not but have taken place recently and systematically and prior to the withdrawal of the Israeli forces and that the Israeli occupying authorities were responsible for the devastation of Quneitra. This constitutes a violation of article 53 of the Fourth Geneva Convention 20/ and falls within the scope of article 147 of the same Convention.

158. The gravity of the circumstances would, in the Special Committee's opinion, appear to justify the appointment of a commission to study the legal consequences of the devastation of Quneitra, particularly within the context of articles 53 and 147 of the Fourth Geneva Convention, bearing in mind the provisions of article 6 (b) of the Statute of the International Military Tribunal of Nuremberg, 21/ and given the nature and the extent of the damage caused, to assess the damage involved and to make the necessary recommendations.

VI. CONCLUSIONS

159. In this report the Special Committee has analyzed the evidence that came before it since the adoption of its fifth report (A/9148). The Special Committee has continued its investigation as reflected in its earlier reports which were considered by the General Assembly at its twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth sessions.

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

161. The evidence before the Special Committee indicated that the policies and practices pursued by the occupying Power in the occupied territories, in so far as they affected the human rights of the population of those territories, have not changed to any marked extent except with regard to certain aspects, considered by the Special Committee in chapter III above.

162. In its fifth report, the Special Committee gave details of the policy of annexation and settlement of the occupied territories and the manner in which it was being implemented. The evidence before the Special Committee this year indicates that this policy, which is contrary to articles 47 and 49 of the Fourth Geneva Convention, continues to exist and to be put into effect. Thus, plans have been announced for the establishment of new settlements in the occupied territories - for example, in the Golan Heights and in the Gaza Strip - and they are being put into effect.

163. By the same token, the measures reported by the Special Committee in its previous reports as being in violation of the Fourth Geneva Convention, continue to be adopted.

164. In this context, the Special Committee notes that ICRC, in its Annual Report, 1973, states the following:

"Despite further ICRC approaches, the Israeli authorities maintained their stand that the question of the applicability of the Fourth Geneva Convention of 1949 in occupied territories should be left open, allowing the ICRC to exercise its activities on an empirical basis.

"The ICRC therefore tried to ensure, from one case to another, as thorough an implementation as possible of the provisions of the Fourth Convention. Thus in various fields facilities granted by the Israeli authorities enabled the delegates, as in the past, to aid the victims of the conflict.

"In other cases, however, owing to Israel's stand, the ICEC failed to obtain satisfaction. The ICRC can only deplore a situation which deprives the victims of full protection and of their rights under the Fourth Convention." 22/

The Special Committee has already stated that, in its opinion, the Fourth Geneva Convention is fully applicable to the territories under Israeli military occupation.

165. The evidence before the Special Committee indicates further that there has been a marked increase in the adoption of certain measures which are contrary to the provisions of the Fourth Geneva Convention and which are tantamount to harassment of the civilian population. Thus, for example, demolition of houses, which is in violation of articles 33 and 53 of the Fourth Geneva Convention, has, during 1974, assumed alarming proportions, as shown by the Special Committee in chapter III above. ICEC expressed its concern over this policy in its Annual Report, 1973 in the following terms:

"The plight of those victimized by the Israel army's destruction of houses in occupied territory was a matter of continued concern for the ICRC, which regards the practice as being contrary to the provisions of articles 33 and 53 of the Fourth Convention.

"A number of houses were destroyed in 1973, leaving many people homeless in the Gaza Strip and on the West Bank of the Jordan.

168. The Special Committee draws special attention to its conclusions on the allegation that the town of Quneitra was deliberately destroyed by Israeli forces (see paragraphs 156-158 above).

"ICRC delegates approached the Israeli authorities in an effort to persuade them to refrain from such action; they also rendered aid to the victims." 23/

166. The same observation applies to the practice of mass arrests, which is a violation of article 33 of the Fourth Geneva Convention. This practice is referred to in chapter III above. The scale of these arrests, which had subsided in preceding years, has once again assumed alarming proportions. On the other hand, the evidence before the Special Committee shows that the number of expulsions has been reduced.

169. It follows from the evidence before the Special Committee that the occupying Power continues to behave in the occupied territories and to act

towards the population of these territories in flagrant violation of the basic rights of the above-mentioned population and in defiance of relevant international conventions.

170. The Special Committee, therefore, would reiterate its conviction that the situation of the civilian population of the occupied territories will only be rectified once the occupation, itself a violation of their basic human rights, is terminated.

171. The Special Committee would draw attention once again to the proposal that it has repeatedly made for the adoption of an arrangement inspired by the Protecting Power formula envisaged under the Geneva Conventions which protects civilian persons living in occupied territories. ^{24/} This machinery or one similar to it should be established to provide future protection for the population of the occupied territories.

VII. ADOPTION OF THE REPORT

172. The present report was approved and signed by the Special Committee on 25 October 1974 in accordance with rule 20 of its rules of procedure.

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

K. MIBAYE (Senegal)

B. BOHTE (Yugoslavia)

ANNEX

General Assembly and Security Council documents, containing letters from
the Governments of Israel, Jordan and the Syrian Arab Republic,
considered by the Special Committee

1. A/9331-S/11123

Letter dated 21 November 1973 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

2. A/9468-S/11160

Letter dated 18 December 1973 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

3. A/9476-S/11174

Letter dated 26 December 1973 from the Acting Permanent Representative of Israel to the United Nations addressed to the Secretary-General

4. A/9507-S/11246

Letter dated 29 March 1974 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General

5. A/9527-S/11279

Letter dated 30 April 1974 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

6. A/9683-S/11506

Letter dated 12 September 1974 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Notes

- 2/ Ibid., document A/8237.
- 3/ Ibid., Twenty-sixth Session, Annexes, agenda item 40, document A/8630.
- 4/ Ibid., Twenty-seventh Session, Annexes, agenda item 42, document A/8950.
- 5/ Ibid., Twenty-eighth Session, Annexes, agenda item 45, document
- 6/ Ibid., Twenty-fifth Session, Annexes, agenda item 101, document A/8089, annex III.
- 7/ Geneva Convention relative to the Protection of Civilian Persons in Time War, of 12 August 1949 (United Nations, Treaty-series, vol. 75, No. 973, p. 287
- 8/ See foot-note 1.
- 9/ United Nations, Treaty Series, vol. 75 (1950), Nos. 970-973.
- 10/ Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101, document A/8089, chap. II.
- 11/ Ibid., paras. 36-38.
- 12/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.
- 13/ See foot-note 7.
- 14/ The Hague conventions and Declarations, 1899-1907 (New York, Oxford University Press, 1918).
- 15/ United Nations, Treaty Series, vol. 249, No. 3511, p. 215.
- 16/ Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101 document A/8089, para. 35.
- 17/ See foot-note 7.
- 18/ Annual Report, 1973 (Geneva, International Committee of the Red Cross, 1974).
- 19/ Official Records of the Security Council, Twenty-second Year, Supplement, for October, November and December 1967, document S/8158, para. 31.
- 20/ See foot-note 7.
- 21/ The Charter and Judgment of the Nuremberg Tribunal: History and Analysis (United Nations publication, Sales No. 49.V.7), annex II.
- 22/ Annual Report, 1973 (Geneva, International Committee of the Red Cross, 1974), p. 6.
- 23/ Ibid., p. 9.
- 24/ The Special Committee, in each of its reports, has recommended:

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

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

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

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

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

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

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