



General Assembly

A/8389
5 October 1971

Distr.
GENERAL

A/8389
5 October 1971

ORIGINAL: ENGLISH

Twenty-sixth session
Agenda item 40

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

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the attached report, which was submitted to him by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in accordance with paragraphs 3 and 5 of General Assembly resolution 2727 (XXV) of 15 December 1970.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal		3
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES		
INTRODUCTION	1 - 5	6
I. ORGANIZATION OF THE WORK OF THE SPECIAL COMMITTEE	6 - 32	10
II. MANDATE OF THE SPECIAL COMMITTEE	33 - 34	23
III. ANALYSIS OF EVIDENCE	35 - 71	24
A. Allegations of annexation and settlement	44 - 48	27
B. Allegations of deportation	49 - 51	42
C. Demolition of houses and eradication of villages	52 - 58	44
D. Allegations of ill-treatment while under detention	59 - 67	46
E. Administrative detention	68	51
F. Other allegations	69 - 71	51
IV. FINDINGS	72 - 83	53
V. RECOMMENDATIONS	84 - 91	58
VI. ADOPTION OF THE REPORT	92	61

ANNEXES

I. LIST OF SECURITY COUNCIL AND GENERAL ASSEMBLY DOCUMENTS CIRCULATING LETTERS FROM THE GOVERNMENTS OF

II. LIST OF WITNESSES APPEARING BEFORE THE SPECIAL COMMITTEE IN OPEN MEETING

LETTER OF TRANSMITTAL

17 September 1971

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has the honour to present the attached report to you as requested by the General Assembly in resolution 2727 (XXV). The report has been formulated in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV).

In operative paragraph 4 of resolution 2727 (XXV) the General Assembly urged the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work. The Special Committee has to report with regret that the Government of Israel continues to ignore this appeal for its co-operation, as well as a similar appeal contained in General Assembly resolution 2443 (XXIII).

Although the Government of Israel's refusal to co-operate with the Special Committee and allow it access to the occupied territories has constituted a major obstacle in the discharge of its mandate, other means of ascertaining facts regarding the situation in the occupied territories, and of executing the mandate entrusted to it by the General Assembly, have been available. The Special Committee has not allowed itself, therefore, to be deterred from discharging what it considers to be an essentially humanitarian duty. It has consciously sought to separate the humanitarian aspects of the problem, which are its primary concern, from the political issues involved.

The Special Committee has kept abreast of developments in the occupied territories throughout the period since its first visit to the Middle East in 1970. Persistent and serious allegations by the Jordanian Government regarding the continued violation of the human rights of the population of the occupied territories, and the express desire of the Jordanian Government that the Special Committee should visit Jordan in order to hear further evidence of persons who had been deported and of persons who complained of ill-treatment at the hands of the occupying authorities, led the Special Committee to decide on a visit to Amman and Beirut in order to record such evidence.

The evidence presented to the Special Committee during its investigation in 1971 has confirmed its impression that policies and practices violating the human rights of the population of the occupied territories, which it discovered in 1970, have continued and have become even more manifest. This applies especially to the policies of settlement and of annexation of certain territories at present under the Israeli occupation; examples of the policy of settlement are the Golan Heights and certain parts of the West Bank, while Eastern Jerusalem provides a clear instance of the policy of annexation. The very fact of the existence of such policies, openly admitted and proclaimed by members of the Government of Israel and by Israeli leaders, is, in the Special Committee's opinion, a grave violation of the human rights of the population of the occupied territories.

The Special Committee is convinced that the most pressing need at the moment is an effective arrangement to safeguard the human rights of the population of the occupied territories. If such an arrangement is to fulfil its real purpose it must provide for the representation of the interests of all parties concerned, including those persons who are not nationals of any State party to the conflict and whose rights are subject to violation by the occupation authorities.

In paragraph 3 of resolution 2727 (XXV) the General Assembly requested the Special Committee to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the human rights of the population of the occupied territories. In accordance with this request the Special Committee addressed the ICRC, requesting certain information as well as the ICRC's views on "the possibility of a concerted effort... being made in order to secure an arrangement that would contribute towards a more effective implementation of human rights without, of course, unduly hampering the Occupying Power in the execution of its obligations". The correspondence which was exchanged between the Special Committee and the ICRC is reproduced in the report. Despite the Special Committee's efforts, it was not possible to hold formal meetings with the ICRC. The informal exchange of views suggested by the ICRC is not, in the Special Committee's view, an appropriate way of dealing with a subject of this importance.

The plight of the refugees - persons who have been deprived of their homes and denied the right to return to them and who are, therefore, victims of the violation of the most fundamental of human rights - and the tone of bitterness and despair which marked every reference of theirs to the United Nations' failure to protect their human rights, have created a profound and disturbing impression on the Special Committee.

The Special Committee has continued to receive from you and from the members of the staff of the United

Nations who have been associated with it in its work a degree of co-operation and a measure of assistance in the best traditions of the international civil service, and acknowledges with sincere thanks this valuable contribution to the fulfilment of its mandate.

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

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

A/8389 English Page 6

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), adopted at its 1748th plenary meeting on 19 December 1968. The following Member States were appointed on 12 September 1969 to serve on the Special Committee: Ceylon, Somalia and Yugoslavia.

2. The Government of Ceylon appointed Mr. H.S. Amerasinghe, Permanent Representative of Ceylon to the United Nations, to represent Ceylon on the Special Committee. The Government of the Somali Democratic Republic appointed Mr. Abdulrahim Abby Farah, Permanent Representative of Somalia to the United Nations, to represent Somalia on the Special Committee. The Government of Yugoslavia 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, as the representative of Yugoslavia on the Special Committee. On 24 June 1971, the Government of the Somali Democratic Republic informed the Secretary-General that Mr. Hussein Nur-Elmi, Ambassador Extraordinary and Plenipotentiary, had been appointed to act instead of Mr. A.A. Farah on the Special Committee.

3. The General Assembly in resolution 2546 (XXIV), 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 Assembly requested the Special Committee to take cognizance of the provisions of resolution 2546 (XXIV).

4. In pursuance of its mandate, the Special Committee in 1970 conducted an investigation of the allegations of violations of human rights of the population of the occupied territories. Hearings were held by the Special Committee in London, Beirut, Damascus, Amman, Cairo, Geneva and New York, and the evidence of persons who claimed to have first-hand experience of breaches of human rights was recorded. The Special Committee also examined statements made by members of the Government of Israel and other Israeli political leaders, relevant to the allegations with which the Special Committee was concerned.

5. On 5 October 1970, the Special Committee presented its first report to the Secretary-General in conformity with General Assembly resolution 2443 (XXIII). The Secretary-General made the report available to the General Assembly 1/ and, in accordance with the decision of the Assembly's General Committee, the report was referred to the Special Political Committee. It was discussed in that Committee at its 744th to 751st meetings from 7 to 11 December 1970 (A/SPC/SR.744-751). The report which the Special Political Committee presented to the General Assembly 2/ on 11 December 1970 included a draft resolution which the Committee recommended for adoption. On 15 December 1970, at its 1931st plenary meeting, the General Assembly adopted resolution 2727 (XXV), inter alia renewing the mandate of the Special Committee. Resolution 2727 (XXV) reads as follows:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations,

"Bearing in mind the provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,3/

"Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

"Recalling also its resolutions 2252 (ES-V) of 4 July 1967, 2443 (XXIII) and 2452 A (XXIII) of 19 December 1968, 2535 B (XXIV) of 10 December 1969 and 2672 D (XXV) of 8 December 1970,

"Further recalling Commission on Human Rights resolutions 6 (XXIV) of 27 February 1968,4/ 6 (XXV) of 4 March 1969 5/ and 10 (XXVI) of 23 March 1970,6/ the telegram of 8 March 1968 dispatched by the Commission to the Israeli authorities,7/ the relevant resolutions of the International Conference on Human Rights held at Teheran in 1968,8/ Economic and Social Council resolution 1515 (XLVIII), adopted on 28 May 1970 on the recommendation of the Commission on the Status of Women,9/ and the other relevant resolutions of the Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

"Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,10/

"Noting with regret that the provisions of the above-mentioned resolutions have not been implemented by the Israeli authorities,

"Gravely concerned for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel,

"1. Expresses its sincere appreciation to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to its members for their efforts in performing the task assigned to them;

"Calls upon the Government of Israel immediately to implement the recommendations of the Special Committee embodied in its report 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;

"3. Requests the Special Committee, pending the early termination of the Israeli occupation of Arab territories, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the human rights of the population of the occupied territories;

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

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

"6. Requests the Secretary-General to provide the Special Committee with all the necessary facilities for the continued performance of its tasks;

"7. Decides to inscribe on the provisional agenda of its twenty-sixth session an item entitled 'Report (or reports) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories'."

I. ORGANIZATION OF THE WORK OF THE SPECIAL COMMITTEE

6. The Special Committee held a series of informal meetings at United Nations Headquarters in New York in January 1971, at which it was decided to request the parties concerned to furnish such further information concerning the policies and practices of the Government of Israel affecting the human rights of the population of the occupied territories as had become available since April 1970, when the Special Committee had visited the Middle East. The Special Committee also decided to reconvene in May to examine the information made available and to decide whether it was necessary to undertake another field mission for the purpose of hearing further evidence.

7. The Special Committee continued its work under the rules of procedure reproduced in annex III of its first

report to the Secretary-General (A/8089).

8. On 19 February 1971, the Special Committee addressed letters to the Permanent Representatives of Israel, Jordan, Lebanon, Syria and the United Arab Republic.

9. In its letter to the Permanent Representative of Israel, the Special Committee stated:

"The Special Committee has taken note that, according to statements made by delegates of Israel in the Third Committee and the Special Political Committee during the twenty-fifth session of the General Assembly, the Government of Israel was in possession of information in rebuttal of certain allegations made before the Special Committee. Particular reference was made to the case of Mr. Mohammed Derbas (A/C.3/SR.1782, page 16). The Special Committee invites the Government of Israel to make available to it all evidence in its possession concerning Mr. Derbas as well as those cases referred to in its report to the General Assembly (A/8089), and those contained in the records of testimony received by the Special Committee (A/AC.145/RT.1-41).

"The Special Committee feels that it is imperative, particularly in view of the nature of the evidence before it, to obtain all evidence possible that might help to establish, in a convincing manner, the reality that exists in the occupied territories. In view of the above considerations, the Special Committee reiterates its request to the Government of Israel for its co-operation in the execution of the mandate to enter Israel and Israeli-held territories in order to carry out the appropriate investigations."

10. The Special Committee wrote to the Permanent Representative of Jordan as follows:

"The Special Committee is in the course of organizing its work for 1971 and, in this connexion, it would appreciate receiving from your Government any information which has become available since the Special Committee's visit to Amman in April 1970, relevant to its mandate as contained in General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV), with particular reference to incidents occurring during the period since April 1970.

"The Special Committee has taken note of the various letters addressed by your Government to the President of the Security Council and to the Secretary-General, which have been circulated as documents of the General Assembly and the Security Council, in particular those communications in which names of individuals who had allegedly been deported after being ill-treated were mentioned (S/9868, S/9885, S/9919, S/10073 and S/10074). The Special Committee would appreciate receiving any statements recorded from the individuals mentioned in these documents indicating, where possible, sources where such statements could be corroborated. The Special Committee would also be grateful to have any indication of the whereabouts of Mr. Taysir Kuba'a who, according to a report appearing in the Jerusalem Post on 18 January 1971, was deported after serving a three-year jail term."

11. The Special Committee wrote to the Permanent Representative of Lebanon as follows:

"The Special Committee is in the course of organizing its work for 1971 and, in this connexion, would appreciate receiving from your Government any information which has become available since the Special Committee's visit to Beirut in April 1970, relevant to its mandate as contained in General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV), with particular reference to incidents occurring during the period since April 1970."

12. The Special Committee wrote to the Permanent Representative of Syria as follows:

"The Special Committee is in the course of organizing its work for 1971 and it would appreciate receiving from your Government information concerning any developments that have taken place since the Special Committee's visit to Damascus in April 1970, which have a bearing on the mandate of the Special Committee as embodied in General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV), with particular reference to incidents occurring during the period since April 1970.

"In particular, the Special Committee would appreciate receiving in summary form, the nature and substance of such evidence and, if possible, indications of any corroborative evidence that may exist."

13. The Special Committee wrote to the Permanent Representative of the United Arab Republic as follows:

"The Special Committee is in the course of organizing its work for 1971 and, in this connexion, it would appreciate receiving from your Government any information which has become available since the Special Committee's visit to Cairo in April 1970, relevant to its mandate as contained in General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV), with particular reference to incidents occurring during the period since April 1970.

"The Special Committee has taken note of the communications of the Government of the United Arab Republic,

which have been circulated as documents of the General Assembly and the Security Council and concerning matters which are within the terms of reference of the Special Committee. In particular, the Special Committee would appreciate receiving any information concerning the recent incidents reported in the Gaza Strip and mentioned in documents S/10105 and S/10107. The Special Committee also requests your Government to make available to it those medical reports concerning the allegations brought before it during the course of the hearings held in Cairo last year, which are available, as, for instance, the case of Miss Hejaza (A/AC.145/RT.26) and Miss L. Zirbawi (A/AC.145/RT.27), and the whereabouts of Professor Muhammed SaFawat who, as your Government may be aware, had been mentioned as the person responsible for a medical report dated 28 July 1966 concerning Mr. Derbas (A/AC.145/RT.26).

14. In a note verbale addressed to the Secretary-General on 7 April 1971, the Permanent Representative of Israel communicated the following:

"On 22 February 1971, a communication was addressed to the Permanent Representative of Israel by Ambassador H.S. Amerasinghe of Ceylon, in his capacity of Chairman of the 'Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories'. On 10 February 1971, a communication was addressed to the Permanent Representative of Israel by Ambassador Ibrahim Boye, of Senegal, in his capacity of Chairman of the 'Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights'. Those two letters gave some information regarding projected activities of the two bodies in question in the course of the year 1971.

"The views of the Israel Government regarding the illegal constitution, biased terms of reference and incompetence of organs in question to carry out the tasks sought to be imposed upon them by resolutions adopted by a minority of the General Assembly on the one hand, as well as on the superrerogatory duplicity of effort are a matter of record.

"Aside from its statements and votes in the twenty-third, twenty-fourth and twenty-fifth sessions of the General Assembly, the views of the Government of Israel on the unconstitutionality of the Committee presided over by Ambassador Boye appear in the note of the Permanent Representative of Israel of 25 June 1969 (E/CN.4/1016, paragraph 9).

"Furthermore, experience which had been gained of the 'accomplishments' of both these bodies, and of the extensive travel in which they have been engaged, endorses Israel's views regarding their unconstitutionality and biased character.

"The Government of Israel has no further comment to make at this stage on the activities of these two organs except to reiterate its views as indicated above.

"It would therefore be appreciated if the Secretary-General would transmit copies of this note verbale to Ambassador Amerasinghe and Ambassador Boye."

15. On 26 April 1971, the Permanent Representative of the United Arab Republic furnished the Special Committee with a list of some of the houses allegedly destroyed by the Israeli authorities in the Gaza Strip and another list giving the names of some Arab prisoners and detainees in the Gaza Strip, together with some details concerning their identity, duration of their sentence and place of confinement.

16. On 27 April 1971, the Permanent Representative of Jordan informed the Special Committee as follows:

"Some relevant information to the mandate and task of the Committee has already been addressed to the President of the Security Council and/or to the Secretary-General and has been circulated as documents of the Security Council and General Assembly. As you have already stated, the Committee has taken note of information therein.

"Pertaining to Mr. Taysir Kuba'a, who was deported by the Israeli authorities after serving a three-year jail sentence, the appropriate authorities in Jordan were unable to indicate his whereabouts.

"As to statements by individuals expelled by the Israeli occupying authorities, my Government believes that such and other information concerning Israel's violations of human rights in the occupied territories may be best obtained and reviewed on the spot by a visit of the Special Committee to Amman, Jordan. I would like to express our earnest hope that Israel will, this time, comply with operative paragraph 4 of General Assembly resolution 2727 (XXV) which:

"Urges the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work'.

"On our part we take the opportunity to welcome the Special Committee and to extend to it every co-operation possible in an attempt to facilitate its task. In the meantime we will furnish Your Excellency with any new information in that regard."

17. On 27 May 1971, the Special Committee addressed the Permanent Representative of Jordan as follows:

"I have the honour to refer to your letter of 27 April concerning the work of the Special Committee for 1971, and to thank your Government for the kind expression of its readiness to co-operate with the Special Committee.

"The letter refers to the statements, requested by the Special Committee in its letter of 19 February, recorded from individuals mentioned in the letters of the Jordanian Government which have been reproduced as documents of the General Assembly and the Security Council. Your Government suggests that such statements 'may best be obtained and reviewed by a visit of the Special Committee to Amman'. The Special Committee notes that the communications of the Jordanian Government list a considerable number of persons which the Special Committee does not have the resources to process individually. The Special Committee also feels that the recording of the evidence of every person who has made allegations of infringement of human rights is not necessitated by its mandate, namely to investigate Israeli practices affecting the human rights of the population of the occupied territories. The Special Committee therefore requests the co-operation of the Jordanian Government and it would appreciate receiving a list showing the types of allegations that are being made, their frequency and, if possible, the date when the alleged infringement took place, together with names of individuals affected. This would help the Special Committee to decide whether it would be necessary to visit Jordan and, in that event, to fix the period and the duration of such a visit. In view of the lack of time at the disposal of the members of the Special Committee it would be gratefully appreciated if the information requested could be forwarded at your earliest convenience."

18. In June 1971, the Permanent Representative of Syria wrote as follows:

"In response to your request for 'information concerning any developments that have taken place since the Special Committee's visit to Damascus in April 1970...', as well as 'corroborative evidence', I should like to draw Your Excellency's attention to a number of letters that were addressed after April 1970 to the President of the Security Council or the Secretary-General and circulated as official documents, a list of which is annexed to this letter, relating to Israeli practices in occupied territories in violation of Humanitarian International Law and relevant United Nations resolutions. The latest of these letters are contained in documents S/10213 dated 28 May 1971 and S/10215 dated 1 June 1971.

"Moreover, the Government of the Syrian Arab Republic shall continue to bring to the attention of the Special Committee any additional information and evidence regarding Israeli violation of human rights in occupied territories."

19. As there were indications that further evidence of a material nature was available, the Special Committee decided to visit Amman and Beirut to collect and examine such evidence, particularly from persons having direct knowledge of the developments since the Special Committee's earlier visit to the area.

20. The Special Committee was in Amman from 7 to 12 July 1971 and in Beirut from 13 to 16 July 1971. During this period it held a series of meetings for the purpose of hearing witnesses. It heard a total of 49 witnesses, two of them in closed session, and received a number of written communications. The Special Committee also met at Geneva from 16 to 23 July and in New York from 7 to 17 September 1971 to discuss and adopt its draft report.

21. The Special Committee had before it written communications from the Governments of Israel, Jordan, Syria and the United Arab Republic concerning allegations of violations of human rights. These had been reproduced as documents of the Security Council and the General Assembly, and are listed in annex I.

22. In addition to the oral testimony and the information communicated by Governments, the Special Committee examined information communicated to it by the International Committee of the Red Cross existing in publications of the ICRC, and information contained in Israeli newspapers, in reports of the Institute for Palestine Studies and the Palestine Research Centre, as well as information contained in memoranda presented to the Special Committee in the course of its visit to Amman and Beirut.

23. As the Special Committee was unable to obtain the permission of the Government of Israel to visit the occupied territories, it was obliged once again to pay particular attention to official pronouncements by members of the Israeli Government and other Israeli leaders concerning Israeli practices in the occupied territories. The authenticity of this evidence is beyond question and the evidence itself, therefore, irrefutable.

24. In paragraph 3 of resolution 2727 (XXV) the General Assembly requested the Special Committee,

"pending the early termination of the Israeli occupation of Arab territories, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the human rights of the population of the occupied territories".

25. On 19 February 1971, in a confidential communication addressed to the International Committee of the Red Cross, the Special Committee made reference to its mandate as contained in resolution 2727 (XXV) and requested the ICRC to inform it:

"as to whether it [the ICRC] had any knowledge of certain trials, especially in view of what is stated at page 499 of the September 1970 issue of the International Review of the Red Cross, under the title 'Notifications of Prosecution'".

The Special Committee drew the attention of the ICRC to a list of 20 trials which had taken place between 25 November 1970 and 5 February 1971 and about which it desired further information. In the same letter the Special Committee also requested information "as to the number of persons that have been allowed to return to the occupied areas under the various repatriation schemes since 30 April 1970". In addition, the Special Committee requested information concerning "certain incidents that have taken place recently in Gaza subsequent to the calling in of Border Police to help the security forces in the area".

26. On 18 March 1971, the International Committee of the Red Cross replied as follows:

"In reply to the questions contained in your letter, I have the honour to state as follows:

(a) Trials

The International Committee of the Red Cross is continuing its work for the benefit of persons resident in the occupied territories and against whom penal proceedings are being taken. That activity is carried on under the conditions described in the September 1970 issue of the International Review of the Red Cross to which you refer. However, so far efforts to ensure that penal proceedings for activities connected with the occupation are systematically notified to the ICRC delegation in Israel have not been successful. For that reason I am unable to reply to the questions relating to the various trials mentioned in your letter.

(b) Repatriation to the occupied territories

You will find herewith a number of issues in English and French of our news bulletin entitled 'The ICRC in Action'. The various repatriation operations carried out since 30 April 1970 under the auspices of and with the participation of the ICRC delegation, are related therein. As you may see, the number of persons repatriated to the occupied territories of the Golan Heights is 81, from the United Arab Republic to the occupied territory of Gaza 265, and from the east bank of the Suez Canal to the west bank 750.

(c) Incidents in Gaza

As a result of certain incidents which occurred in 1971 in Gaza, the ICRC and its delegates have had to intervene for the benefit of the victims of those events and our delegate in Cairo has had occasion to inform the United Arab Republic authorities concerned about the demarches undertaken by the ICRC in that connexion.

27. The Special Committee addressed another letter to the ICRC on 2 June 1971, in which it made reference to the ad hoc arrangements proposed by it in its report (A/8089, paras. 150, 151 and 155). It also referred to the fact that the allegations made to the Special Committee had not ceased and stated:

"It appears to the Special Committee, in the light of these considerations, and especially in view of the serious nature of the allegations that have continued to be presented to the Special Committee that it is imperative to come to some arrangement, such as that envisaged in the protecting power formula, which would enable complaints to be verified and remedial measures taken.

"Accordingly, I have been empowered by the Special Committee to inquire of you the views of the International Committee of the Red Cross on the possibility of a concerted effort being made in order to secure an arrangement that would contribute towards a more effective implementation of human rights in the occupied territories without, of course, unduly hampering the occupying power in the execution of its obligations."

28. The ICRC replied by letter dated 18 June 1971 in which it stated:

"We are aware of the recommendation made by the Special Committee last year in its report to the Secretary-General (document A/8089) and of the debate which took place in the Special Political Committee during the twenty-fifth session of the General Assembly.

"As you no doubt know, the International Committee of the Red Cross recently convened a Conference of

Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. While it was not the purpose of this conference to consider specific situations, one of its committees dealt with problems of implementation of existing humanitarian law. The discussion was of a general character and dealt with the principles involved, including the designation of Protecting Powers or substitutes to Protecting Powers. The report of the Conference of Government Experts will in due course be made available to the Secretary-General of the United Nations, who will in turn report to the twenty-sixth session of the General Assembly, under the item 'Human Rights in Armed Conflicts'."

In the same letter the International Committee also expressed its readiness to meet informally with the Chairman of the Special Committee for "a personal exchange of views on these matters".

29. At the conclusion of its visit to the Middle East and in the course of considering the evidence that it had heard, the Special Committee decided to address the International Committee of the Red Cross in a further effort to secure certain information that would help assess the credibility of witnesses who appeared before it. The letter, dated 23 July, states:

"During the hearings held by the Special Committee in Amman from 7 to 12 July 1971 and in Beirut from 13 to 16 July 1971, as well as during the hearings held last year, several references were made by witnesses to delegates of the ICRC visiting various prisons and places of detention in the occupied territories. It would help the Committee considerably in verifying the accuracy of evidence if the ICRC could furnish it with a list of its delegates who were assigned to the occupied territories since the occupation in June 1967, showing the areas to which these delegates were assigned and the periods of their duty.

"The Committee would also be glad if the ICRC could furnish the Special Committee with statistics regarding deportation, demolition of houses, as well as other practices which may be termed violations of human rights in the occupied territories.

"The Special Committee assures the ICRC that it will avoid using any materials so furnished in any manner that the ICRC may deem prejudicial to the humanitarian tasks that it is accomplishing at the moment in the occupied territories. The Committee wishes to stress, however, that the ICRC is the only body of recognized and acknowledged impartiality to which the Special Committee can turn for information.

"The Special Committee would like to draw your attention to its letter to the International Committee of the Red Cross of 2 June 1970, in which it sought the views of the ICRC on the possibility of a concerted effort being made to secure an arrangement to contribute towards a more effective implementation of human rights in the occupied territories without, of course, unduly hampering the occupying power in the execution of its obligations.

"The Special Committee would have wished to discuss the subject matter of this letter with your organization at a meeting. However, circumstances did not seem to permit this at the present moment. The Committee will be meeting in New York during the period 7 to 17 September 1971 and it would welcome the opportunity to discuss these matters with your organization at that time; alternatively, the ICRC may wish to furnish the information indicated in this letter prior to that date. This information would help the Special Committee in its assessment of the evidence before it."

30. The International Committee of the Red Cross replied on 2 August 1971 as follows:

"In reply to the request of the Special Committee for a list of ICRC delegates assigned to the occupied territories since 1967 and statistics on practices which may determine violations of human rights, we wish to recall that in conformity with ICRC established practice, reports on the situation in the occupied territories are submitted to the occupying power as well as to governments of the countries of origin of those people whose rights appear to have been violated. The ICRC does not feel it can detract from this practice by making such reports more widely available. On the other hand, the ICRC has been pleased to make available to your Committee its information bulletin (up to issue number 164 of 14 July 1971), copies of the International Review of the Red Cross (up to issue 630 of June 1971) and occasional press releases. Moreover, the annual report on the activities of the ICRC in 1970, which will shortly come off the press, will likewise be made available to the Special Committee.

"In response to the question raised in the Special Committee's letter of 2 June 1971 regarding efforts to secure an arrangement towards a more effective implementation of human rights in the occupied territories, M. Pilloud has already had the honour to inform you in a letter of 18 June, that he, together with some of his colleagues, would be glad to have an informal exchange of views with you on these matters. We hope that a mutually convenient time can be found during your current stay in Geneva. In the meantime, we have been pleased to place at the disposal of the Special Committee the documentation prepared for the ICRC Conference of Government Experts on the Reaffirmation and the Development of International Humanitarian Law Applicable in Armed Conflict. Volume II of that documentation deals particularly with implementation of existing international instruments.

"We note that the Special Committee will be meeting in New York during the period 7 to 14 September 1971. We do not believe that the ICRC would be in a position to furnish at that time more information than is already contained in the documents referred to in this letter.

"We note the assurance in your letter that the Special Committee appreciates the conditions under which the ICRC seeks to accomplish its humanitarian task. We trust that the Special Committee understands also the limitations within which it is advisable for the ICRC to meet requests for information."

31. On 6 August 1971, the Chairman of the Special Committee referred to the letter of 2 August 1971 of the ICRC and stated as follows:

"In my letter of 23 July 1971, I addressed a request for the co-operation of the International Red Cross in accordance with operative paragraph 3 of General Assembly resolution 2727 (XXV).

"It would appear that there is some misunderstanding with regard to the request for certain information contained in my letter of 23 July 1971. The Special Committee requested two types of information:

- (a) A list of ICRC delegates assigned to the occupied territories since the occupation in June of 1967, showing the areas to which the delegates were assigned and the periods of their duty;
- (b) Statistics regarding deportation, demolition of houses, as well as other practices which may be termed violations of human rights in the occupied territories.

"The first was required in order to verify several statements made by former prisoners and detainees, to the effect that they were visited at a certain time in a certain prison by an ICRC delegate. In nearly all cases, the person concerned did not know the name of the person whom he recognized as the ICRC delegate. The Special Committee, in requesting this information from the ICRC, was merely attempting to check such statements of witnesses as one measure of credibility in the Special Committee's task of assessing evidence before it. The Special Committee was not aware that the disclosure of ICRC delegates' assignments came within the same category as 'reports' referred to in Mr. Micheli's letter, that 'are submitted to the occupying power as well as to the country of origin of the person whose rights appear to have been violated,' and fails to understand in what manner they can be so considered.

"The second type of information requested was statistics regarding deportation, demolition of houses, as well as other practices which may be termed violations of human rights. In the course of carrying out its investigation, the Special Committee found that certain statistics, such as those referred to above, did not quite tally. The Special Committee felt that the ICRC would presumably have statistics which would help it to form a more precise idea of the extent of certain practices, such as demolition of houses and deportation.

"Again, in this regard, the Special Committee was not aware that the disclosure of this kind of information ran counter to ICRC policy, particularly in view of the fact that it is not the first time that the ICRC has disclosed information of this nature, as for example that contained in the International Review of the Red Cross, August 1970, page 455.

"In resolution 2727 (XXV), the General Assembly requested the Special Committee to consult, as appropriate, with the International Committee of the Red Cross. The Special Committee interprets this mandate as imposing upon it the duty to carry out formal consultation, the outcome of which could be used in a formal manner in the report of the Special Committee to the Secretary-General, unless the ICRC felt otherwise. The informal exchange of views suggested in the letters of the ICRC is not, in the view of the Special Committee, a satisfactory way of dealing with a subject of this importance. In this context, the Special Committee would like to stress that it remains available for formal consultation, should the ICRC feel so disposed."

32. On 16 August 1971, the ICRC replied as follows:

"To reply to your request, we would briefly explain ICRC's line of conduct concerning the delegates' findings. When the ICRC carries out its humanitarian mission in a country rent by armed conflict, it fully informs that country's authorities. The same information is sent also to the government of nationals who benefit from that mission (for example prisoners of war, internees, detainees, persons under assigned residence, displaced persons, etc.). In occupied countries, such information is given to the government whose nationals are assisted by ICRC delegates.

"It is a rule that the information conveyed to the ICRC by its delegates is not communicated to anyone but the governments concerned. The ICRC does, however, regularly publish a news bulletin, as well as press releases and an annual report, in which its delegates' work is described in general terms.

"The rule mentioned above has for a very long time been constantly applied by the ICRC. As long ago as

1936, for instance, it explained its special position to a League of Nations Commission concerned with the Italo-Abyssinian War. That position is appropriate to the nature of the ICRC which is first and last humanitarian and apolitic. The International Committee must above all else endeavour to alleviate the suffering of war's victims. To do so, it must abide strictly by a policy which enables it to conserve the confidence of parties in conflict. It must, inter alia, abstain from any action which might be construed as an enquiry and hence jeopardize its primary activity of providing protection and assistance.

"It is for that reason that we have stated our willingness to make available to the Special Investigating Committee over which you preside all information published by our institution as well as the general details which you require. We have therefore sent you a full set of such documents and have endeavoured to reply to your queries of a general nature.

"In view of the foregoing, we trust that you will understand that the ICRC must set certain limits to its co-operation with commissions of enquiry."

II. MANDATE OF THE SPECIAL COMMITTEE

33. The first report of the Special Committee to the Secretary-General (A/8089, chapter II) contains its interpretation of its mandate as laid down in the relevant General Assembly resolutions and in other international instruments. The Special Committee reiterates the interpretation it gave to its mandate in that report, and has conducted its second mission in strict accordance with that interpretation.

34. The Special Committee finds further confirmation of the validity of this interpretation in the spirit and the text of the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations (adopted by the General Assembly on 24 October 1970 at its 1883rd plenary meeting - resolution 2627 (XXV)) and would draw special attention to the following passage from paragraph 8 of this Declaration, which states:

"The United Nations has endeavoured in its first twenty-five years to further the Charter objectives of promoting respect for, and observance of, human rights and fundamental freedoms for all. The international conventions and declarations concluded under its auspices give expression to the moral conscience of mankind and represent humanitarian standards for all members of the international community. The Universal Declaration of Human Rights, the International Covenants on Human Rights,... constitute a landmark in international co-operation and in the recognition and protection of the rights of every individual without any distinction."

III. ANALYSIS OF EVIDENCE

35. During 1970, the Special Committee received oral and written testimony which served as a basis for its report to the Secretary-General (A/8089). In order to determine the measures necessary for the effective discharge of its renewed mandate in General Assembly resolution 2727 (XXV), the Special Committee addressed letters to the Governments of Israel, Jordan, Lebanon, Syria and the United Arab Republic requesting further information as well as information on certain cases that had been brought to the attention of the Special Committee during 1970 (see paras. 8 to 13 above). The Government of Israel had indicated through its representative on the Third Committee, in the course of the debate on the item "Respect for human rights in armed conflicts" at the twenty-fifth session of the General Assembly, that it had in its possession information in rebuttal of the allegations which had been brought before the Special Committee, in particular those relating to ill-treatment of prisoners (A/C.3/SR.1782, pp. 15-17). The representative of Israel in the Third Committee had made specific reference to the case of Mr. Mohammad Derbas, who had stated in evidence before the Special Committee in Cairo in April 1970 that he had been castrated by surgery by an Israeli surgeon while in Israeli custody in Atlit Prison on or about 15 July 1967. In its letter to the Government of Israel on 20 February 1971, the Special Committee referred to the statement that had been made by the Israeli representative in the Third Committee at its 1782nd meeting that his Government had in its possession a medical report of 28 July 1966 by Professor Mohammed Sa Fawat to the effect that the same operation had already been performed by that date. The Special Committee invited the Government of Israel to make available to the Special Committee all evidence in its possession concerning Mr. Derbas, as well as those cases referred to in the report of the Special Committee (see para. 9 above). The Special Committee also addressed a request to the United Arab Republic for information regarding the whereabouts of Professor Mohammad Sa Fawat. The Government of Israel has not so far furnished to the Special Committee the information in rebuttal that it claimed to possess, nor has the Special Committee been able to trace the whereabouts of Professor Mohammad Sa Fawat (see also para. 65 below).

36. The Special Committee sought to hear persons who had been mentioned by witnesses who had appeared before it during 1970, as such evidence would have been of value as corroboration and would have contributed to a conclusive assessment of the allegations that had been made before it, especially those concerning ill-treatment while under detention. For this purpose, so far as allegations of ill-treatment of individuals were concerned, the Special Committee set itself the task of hearing evidence of a qualitative and corroborative nature rather than accumulating more allegations in addition to those that it had heard during 1970. The Special Committee stressed the need for documentary evidence, especially in the form of medical reports,

concerning previous testimony.

37. In the oral evidence given before the Special Committee this year, several allegations were made of forcible expulsion or deportation, ill-treatment while under detention, and demolition of houses. Other evidence collected by the Special Committee also concerned these allegations as well as allegations regarding the policy of annexation and settlement of the occupied territories through expropriation, establishment of Israeli settlements, coupled with deportation and denial of the right to return of those inhabitants of the occupied territories who had left these territories. This evidence is analysed in this chapter (paras. 44 to 71 below).

38. The Special Committee took note of the allegations made in letters addressed to the Secretary-General of the United Nations and the President of the Security Council by the Permanent Representatives of Jordan, Syria and the United Arab Republic, which were published as documents of the Security Council and the General Assembly. Many of these allegations were brought to the attention of the Special Committee on the specific request of the Government concerned. The Special Committee at the same time took note of the Government of Israel's replies to these allegations which also appeared as Security Council and General Assembly documents.

39. The allegations made in these letters concern, mainly, deportation of individuals, establishment of Israeli settlements in the occupied territories, brutality by the Border Police in Gaza during the beginning of 1971, Israeli measures taken in Jerusalem and confiscation of land, as well as drastic changes in the physical character and demographic composition of the occupied territories. The documents in which the letters are reproduced are listed in annex I to this report.

40. In addition to the above, the Special Committee has taken note of the discussions in the Special Political Committee during the twenty-fifth session of the General Assembly (A/SPC/SR.744-751), reports of the debates in the Commission on Human Rights at its twenty-seventh session on the question of violation of human rights in the occupied territories in the Middle East (E/CN.4/SR.1115-1120) and Commission on Human Rights resolution 9 (XXVII), where reference is made to the report of the Special Committee.

41. The Special Committee had before it a number of written communications from organizations and individuals in which violations of human rights were alleged. Among these are reports in Israeli and Arab newspapers concerning various aspects of violations of human rights in the occupied territories, and submissions by religious authorities on other aspects of the occupation.

42. The Special Committee was shown a documentary film made inside the occupied territories. The Special Committee had no reasonable grounds for questioning the authenticity of the film. It supplemented in visual form the evidence received by the Special Committee of the situation in the occupied territories, particularly as regards the establishment of Israeli settlements, the eradication of Arab villages and the state of feeling among both Arabs and Israelis in the occupied territories. The sound track of the film purported to record statements by Arabs and Israelis, both leaders and members of the public, made in the course of interviews by the producers of the film and giving their version of the occupation.

43. The Special Committee's mandate is to investigate Israeli policies and practices affecting the human rights of the population of the occupied territories. Bearing this in mind, the Special Committee has analysed the evidence before it in the following manner: it has first sought to assess, according to the criterion of reasonable doubt, the value of the individual allegations and, once this was established, it has sought to determine whether they reflect a policy or a practice affecting human rights. In some cases, the evidence as a whole reveals a clear pattern of policy. For example, the scale on which Israeli settlements are being established in the occupied territories, taken in conjunction with deportations and the refusal to repatriate any significant or substantial number of the inhabitants of the territories who had left these territories due to the 1967 hostilities, is sufficient to warrant the conclusion that the Government of Israel has adopted a policy of annexation which would deprive the persons concerned of their fundamental right to return or frustrate the exercise of that right.

A. Allegations of annexation and settlement

44. The evidence, including testimony before the Special Committee regarding annexation and settlement, supports the allegation that the Government of Israel is following a policy of annexing and settling occupied territories in a manner calculated to exclude all possibility of restitution to lawful ownership. In the view of the Special Committee evidence of annexation is stronger with respect to some areas, such as Jerusalem, while in others occupied as a result of the hostilities of June 1967 the evidence justifies the conclusion that, irrespective of the ultimate objectives of Israel's policy, the Government of Israel is engaged in practices constituting a violation of human rights.

45. The distinction between annexation of conquered territory and occupation of territory in wartime is clarified in the following passage in the Commentary published by the International Committee of the Red Cross on the Fourth Geneva Convention:11

"As was emphasized in the commentary on Article 4, the occupation of territory in wartime is essentially a temporary, de facto situation, which deprives the occupied Power of neither its statehood nor its sovereignty; it merely interferes with its power to exercise its rights. That is what distinguishes occupation from annexation, whereby the Occupying Power acquires all or part of the occupied territory and incorporates it in its own territory. 12

"Consequently occupation as a result of war. while representing actual possession to all appearances, cannot imply any right whatsoever to dispose of territory. As long as hostilities continue the Occupying Power cannot therefore annex the occupied territory, even if it occupies the whole of the territory concerned. A decision on that point can only be reached in the peace treaty. That is a universally recognized rule which is endorsed by jurists and confirmed by numerous rulings of international and national courts.

"...

"A fundamental principle emerges from the foregoing considerations; an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory...."

46. The Special Committee reaffirms the validity of this proposition. It would furthermore reiterate that every attempt on the part of the Government of Israel at carrying out a policy of annexation and settlement amounts to a denial of the fundamental human rights of the local inhabitants, in particular the right of self-determination and the right to retain their homeland, and a repudiation by the Government of Israel of accepted norms of international law.

47. The following facts tend to support the conclusion that it is the Government of Israel's policy to annex and settle the occupied territories:

(a) The existence, in the Government of Israel, of a "Ministerial Committee for Settlement of the Territories";

(b) Express pronouncements to this effect by Israeli Ministers and leaders;

(c) A memorandum presented on 8 July 1971 to the Special Committee by Mr. Rouhi El-Khatib, Mayor of Jerusalem at the time of the June 1967 hostilities, the facts of which are confirmed by other evidence;

(d) Uncontradicted reports, appearing in the information media, of the planned establishment of Israeli settlements in the occupied territories;

(e) Allegations, as yet unrefuted but consistent with other facts, and contained in several letters addressed by the Governments of Jordan and Syria, concerning measures by the Government of Israel in violation of the human rights of the persons living in occupied territories;

(f) The absence of any serious attempt at repatriation of the refugees to their homes in the occupied territories;

(g) The mass expulsion and continued deportation of individuals from the occupied territories;

(h) The continued transfer of the population of the occupied territories to other areas within the occupied territories.

48. The Special Committee will now deal with the evidence cited in the preceding paragraph.

(a) The existence, in the Government of Israel, of a "Ministerial Committee for Settlement of the Territories"

The Chairman of this committee is Mr. Israel Galili, Minister without Portfolio, referred to in the Jerusalem Post on 3 January 1971. In the view of the Special Committee, the very existence of such a committee headed by a person of ministerial rank shows, beyond doubt, that it is a policy of the Government to settle the territories occupied as a result of the hostilities of June 1967.

(b) Express pronouncements by Israeli Ministers and leaders

Some of these statements, even when made by Israeli Ministers and leaders, purport to be personal opinions while others have been made by private individuals who have no official standing in the Government of Israel. On the other hand, their general tenor, the frequency with which they have been repeated and the various measures adopted by the Government of Israel, such as establishment of settlements, justify in the Special Committee's opinion the conclusion that these statements are a faithful reflection of official Israeli policy.

The following are statements of special significance:

(i) A statement by Housing Minister Ze'ev Sharef on 18 February 1971, broadcast on television and reported in the Jerusalem Post on 19 February 1971, that the Government of Israel would not bow to international pressures to halt the building of housing developments across the cease-fire line in Jerusalem. In the same report the Minister is reported as saying that these housing developments are taking place on expropriated lands.

(ii) A statement by a spokesman for the Jewish National Fund, reported in the Jerusalem Post on 5 April 1971, according to whom the Fund had been purchasing land in the occupied territories for the past two years. The areas mentioned include Nebi Samwil, Jerusalem and the Etzion Bloc.

(iii) A report in the Jerusalem Post of 21 March 1971 summarizing a statement by former Minister of Transport and present Chairman of the Herut Executive, Ezra Weizman, in a television interview, that "according to Mr. Seizman, the Jordan River would make the best eastern border for Israel; Judaea and Samaria (the West Bank) must remain under Israeli control; Sharm e-Sheikh is vital for the aerial protection of Israel; and whoever controls northern Sinai... controls the security of Israel".

(iv) A statement by Deputy Prime Minister Yigal Allon, as reported in the Jerusalem Post on 8 March 1971, in which expressing his own personal opinion, he "called for urban, rather than agricultural settlements within the administered areas [since]... urban settlements would bring more people to the areas than would farming communities".

(v) A statement by Defence Minister Moshe Dayan in a report, appearing in the Jerusalem Post on 7 January 1971, of an address to students of Haifa University and the Technion to the effect that:

"We are able to turn [the 200,000 refugees in Gaza] into full-fledged citizens. We must establish Jewish settlements in the Strip, turn the sand dunes into fertile farming land, integrate them into our economy, give them jobs, health services and education, and give Israeli citizenship to all who want it."

(vi) A statement made by Defence Minister Moshe Dayan on 19 August 1971 (subsequently described as an expression of Mr. Dayan's personal views), reported in the Jerusalem Post on 20 August 1971, in which Mr. Dayan calls for "emphasis [to] be put on [Israel's] taking unilateral and immediate measures" in the occupied territories. Mr. Dayan is reported as having stated, "We should regard our role also in the administered territories as that of the established government - to plan and implement whatever can be done without leaving 'options open' for the day of peace - which may be distant". On 27 August 1971 the Jerusalem Post reported a broadcast interview with Mr. Moshe Dayan in which he sought to clarify the remarks made in the statement referred to above. In this interview Mr. Dayan is reported as stating that "after an arrangement we will also remain in most of the areas: the Golan Heights, and the West Bank". Mr. Dayan called for Israelis to "devote [their] best efforts to these areas". Referring to the refugee problem in the Gaza Strip, Mr. Dayan stated:

"What we can do, should do, and are doing in the Gaza Strip is solving the problem of the human status of the refugees.... When they are working and earning a decent wage, their standard of living will rise. The style of their housing has to be changed, so that they will live in quarters fit for human beings....

"At this time, we can't change the formal status of the refugees.... But we can do, and are doing, something about changing their human situation, about removing the stigma of 'refugeeism' from them - the stigma of living on charity and in miserable conditions.... This we can change - humanly speaking to remove them from refugee status and transform them into working people.

"...

"I do not propose annexation, and I do not suggest that we alter the citizenship status of the inhabitants of the Gaza Strip and the West Bank. These are formal matters. What I am speaking of is the content of their lives, and not their formal status. What I suggest is that we do our best - and I am very glad that that is what they wish, too.

"They are ready to come out of the camps and go to work, to live as human beings. Let's do this much, and not worry about their documents, their passports, their Refugee Cards.

"...

"I don't see any reason that we should expel the Arab residents of Hebron, just as I cannot imagine that it should be prohibited for Jews to settle permanently - within the framework of the status to be ultimately agreed upon - anywhere at all in the West Bank.

"...

"But until there is a peace settlement, I think that there has to be 'unilateral action'.

"...

"And we should long since have been establishing settlements.

"...

"I don't think that can be a basis for dialogue. I don't think that we ought to leave in their hands the decision about the future of the areas between the Jordan River, the mountains and Little Israel.

"...

"But beyond that, in the sphere of day-to-day life, I am in favour of trying as hard as possible to achieve dialogue with them, and to give them as much autonomy as possible, on the communal-life level, in matters of education... and in our common life with them."

(vii) A statement by the President of Israel, Dr. Shazar, speaking at the opening ceremony of the twentieth anniversary celebrations of the Jewish National Fund on 12 January 1971 (reported in the Jerusalem Post on 13 January 1971) that "the Jewish National Fund's work in preparing land in the Golan Heights for settlement strengthens our firm determination that the Golan remain in Israeli territory".

(viii) A statement by Deputy Prime Minister Yigal Allon in the Knesset on 2 December 1970 (reported in the Jerusalem Post on 3 December 1970) in the course of a debate on a motion on "the establishment of Jewish suburbs in cities" in the occupied territories, that he was in opposition to the establishment of such suburbs because of political and other reasons. Mr. Allon is reported as stating that the Government of Israel pursued a "realistic policy based on Middle East and International political possibilities". He is also reported as stating that the Government had already decided on the establishment of a further four Nahal settlements and of a semi-urban settlement; on the sequestration of 11,400 dunams of land of East Jerusalem and southwards for the setting up of residential areas for both Jews and Arabs; as well as development of a Jewish Quarter at Hebron. In the course of the debate reference was also made to what are referred to as "Basic Principles", as endorsed by the Labour Party, National Religious Party and Gahal. According to Mr. M. Begin, who was presenting the motion which was the subject of this discussion, these "Basic Principles" called for the "acceleration of permanent settlement, rural and urban, on the soil of the Homeland". The same report cites the Deputy Prime Minister, Mr. Allon, as stating with reference to Mr. Begin's remarks on the historical rights to the Land of Israel, that this was the moral basis for the renaissance of the Jewish State, but "historiographical or theological absolutes cannot replace policy. The future map of Israel, in the framework of a peace treaty, was to be founded on historical rights as the moral basis, defensible borders as a security basis, a Jewish and Democratic State as national and social basis".

The report makes further reference to the statement of Mr. Begin during this debate. The report states:

"Mr. Begin, presenting his motion, said experience had proved there was no reason why Jew and Arab could not live, work, trade and send their children to schools together. It would be good for peace, security and understanding between the people, he said. No people in history had suffered as much as Israel on behalf of its land. He said a recent 'non-sensical' decision of the United Nations General Assembly made out as though Israel were depriving someone (Palestine Arabs) of self-determination. Israel's rights were solely over this Land, while the Arabs had fourteen sovereign States. 'We liberated the city of the Land of Israel, and there is no reason why Jews should not live in Jericho, Hebron, Bethlehem, Shechem, Tulkarm and Ramallah.'"

At the heart of the Middle East problem is the "Homeland doctrine" enunciated by the Government of Israel and supported by the Opposition. According to this doctrine even the United Nations resolution on the partition of Palestine and the creation of the State of Israel did not restore to the Jewish people what they were convinced was their territory. The State of Israel as created by the United Nations has expanded territorially from time to time; according to the Government of Israel, this expansion has been justified by considerations of security. The Special Committee finds it difficult to reconcile this claim with pronouncements by Israeli leaders, proclaiming a faith and belief in what are asserted to be the ancient boundaries of the Land of Israel. Against such a strongly held belief international law or even the norms of international conduct can prove of no avail. In any event the Special Committee is unable to accept any argument whereby considerations of security may be invoked to depopulate occupied territories, to deprive hundreds of thousands of persons of their ancestral home; and somehow sought to be justified on the ground that there exist 14 Arab States that are in their opinion required to receive them.

In light of the declared policy of the Government of Israel as expressed categorically by Israeli leaders, the Special Committee has no doubt that the policy of annexation and settlement is dictated by considerations alien to those of national security. No such considerations, however, would in any event offer the least

justification for measures that are contrary to the provisions of the Fourth Geneva Convention.

Defence Minister Moshe Dayan's avowed purpose, as quoted in item (v) above, of transforming sand dunes into fertile farming land and providing jobs, health services and education would be an admirable and imaginative policy if it were consistent with the provisions of the Fourth Geneva Convention. Even the best of policies are not warranted if they are founded on injustice and if they follow on forcible acquisition of territory and confiscation of property by an occupying Power which has no title other than the unrecognized and inadmissible title of conquest. The same observation applies to Mr. Dayan's statements referred to in (vi) above.

(c) A memorandum presented to the Special Committee by Mr. Rouhi El-Khatib, Mayor of Jerusalem at the time of the June 1967 hostilities

Mr. El-Khatib maintains that he is still the de jure holder of the office of Mayor. This memorandum contains further statements regarding alleged violations of human rights in Jerusalem committed in the period between 16 April 1970 and 30 June 1971. The memorandum classifies these alleged violations as follows:

(i) "Evacuation of Arabs from (occupied) Jerusalem"

The memorandum quotes a statement by Mayor T. Kollek, announced on Israeli radio and reported in the Jerusalem Post on 17 May 1971, according to which over 4,000 Arabs have been evacuated from their homes in Jerusalem since 1967. The memorandum states that Arab sources in Jerusalem reveal that around 70 per cent of these persons were evicted from their homes last year, including more than 200 from the village of Nebi Samwil, a northern Arab suburb of Jerusalem. The memorandum adds that the Minister of Defence ordered the bulldozing of 52 houses on 22 March 1971, in Nebi Samwil. The demolition of 46 of these houses was reported in Ha'aretz on 21 June 1971.

(ii) "Expropriation of more Arab lands in (occupied) Jerusalem"

The memorandum quotes the Israeli Official Gazette No. 1656 of 30 August 1970 according to which the Israeli Minister of Finance, Mr. Pinhas Sapir, ordered the expropriation of Arab lands in and around Jerusalem. According to the memorandum the total area of the new land expropriated under this order is 11,680 dunams, the equivalent of 2,920 acres. The memorandum also states that these lands belong to over 10,000 Arabs in seven villages around Jerusalem who are mainly dependent for their livelihood on the income derived either through their work in plants in these areas or in cultivating some of this land. It states that the people concerned are liable to suffer evacuation in the same way as the inhabitants of the village of Nebi Samwil, which was bulldozed on 22 March 1971.

(iii) "More threats to the Arab population from continuation of illegal Israeli archaeological excavations around the walls of Al-Alqsa Mosque"

The memorandum states that the "Osmani School Mosque", near the Western Wall in Jerusalem, has cracked because of excavations being carried out under it by an archaeological team from the Israeli Ministry of Religions. These excavations have so far extended through the basement of over 20 large Arab religious, cultural or residential buildings inhabited by no less than 300 persons, connected to another 80 buildings accommodating an additional 700 persons. The memorandum states that these buildings too are in danger of demolition and their inhabitants in danger of dispersion, in the same manner as the 4,000 evacuees referred to by Mayor Kollek on 17 May 1971. The memorandum alleges that these acts are in defiance of a UNESCO resolution adopted on 10 October 1969 [E.B.4.3.1].

(iv) "Arab human rights threatened by the new master plan for Jerusalem"

The memorandum refers to the new master plan for Jerusalem, announced by Mayor Kollek in December 1970, and states that the master plan calls for the expansion of the area of Jerusalem to eight times its present size to include three Arab cities and 23 Arab villages, which house altogether more than 100,000 Arab inhabitants.

(v) "Israeli housing and industrial projects on the confiscated Arab lands lead to mass exodus of Arab population from Jerusalem"

The memorandum makes reference to a statement made by Mr. Z. Sharef, Israeli Minister of Housing, on 15 February 1971, in which the Minister announced the new Israeli settlements which will be constructed on the hillside confiscated from Arabs in and around Jerusalem. The memorandum also makes reference to a report in Ha'aretz on 9 March 1971 to the effect that the Hebrew University in Jerusalem was planning two large building projects on the Mount of Olives, to be completed by the end of 1980. The same newspaper, according to the memorandum, reported on 6 July 1970 that 13 Israeli hotels, with 4,200 rooms, were planned for Jerusalem before the end of 1975. According to the memorandum seven of these hotels will be built on confiscated Arab land. The memorandum also makes reference to a report appearing in Ha'aretz on 19 February 1971, according to which 30 new Israeli industrial projects are to be set up on Arab confiscated land near Jerusalem Airport, and the zones planned will absorb 100 new Jewish industrial projects. The memorandum maintains that these measures are being taken in accordance with the policy enunciated by Mr. Sharef on 15 February 1971, which is "to

settle new immigrants as quickly as possible in order to keep Jerusalem [a Jewish city]". The memorandum claims that this policy is tantamount to plundering the land from their original proprietors by force and under different illegal measures and on "false pretences". It states further that the aim of this policy is to clear these persons from their land and to group all in an Arab ghetto, as has already been done in Jaffa, Acre, Haifa, Nazereth and other Palestinian Arab cities taken in 1948. The memorandum states that the primary aim is to force the remaining Arabs into a "third mass Exodus", as has already been done during and after the two wars of 1948 and 1967. Under these circumstances, the memorandum states, "the Israeli military occupation is not observing the human rights of the Arab population of the occupied territories".

(vi) "The new challenge of compensation"

The memorandum makes reference to a "recent statement" made on 29 June 1971 by Mr. Shapiro, Israeli Minister of Justice, according to which the Israeli Government announced its policy to compensate Jerusalem Arabs for properties confiscated after 1948. It may be noted that the fact of confiscation is admitted. The memorandum makes reference to the "Law and Administration Ordinance, 1968". Under article 5 of that Law, immovable property owned by Jews, which the Jordanian Government administered between 1948 and 1967, shall be released to the original owners or their heirs. The memorandum points out that the same law does not release Jerusalem Arab property confiscated under the Israeli Absentees Law of 1950, and maintains that it constitutes a form of racial discrimination. It refers to General Assembly resolution 194 (III) of 11 December 1948, which defines the occupying authorities' obligations with respect to evacuation, repatriation of Palestine refugees, restitution of their property and payment of compensation in lieu of return and restitution. The memorandum states that the policy of compensation denies the human right of Jerusalem Arabs to return to their homes. It points to a "most absurd contradiction", since, on the one hand, the Government of Israel claims a right to return "to the land of their alleged ancestors of 2,000 years ago, while on the other hand, they are denying to Jerusalem Arab refugees - who are part of the Palestine Arab refugees - their natural right to return to their own homes". The memorandum states that "the compensation offered will be limited to nearly one third of the main population, namely those who are still living in Jerusalem", but that "it does not apply to those who were driven out of their homes, or who were for one reason or another absent from Jerusalem at the time of occupation of the major part of Jerusalem in 1948". The memorandum states that as the law does not apply to those who were forced to leave during the 1967 hostilities, or who were absent on temporary visits outside Jerusalem, such persons are classified as absentees. According to the memorandum they number over 100,000 persons who, under the proposed Israeli Compensation Law, are not covered by it. The memorandum also refers to a statement by Mr. Shapiro on 29 June 1971, to the effect that compensation will be based on the evaluation of these properties as of 1948 together with an additional 25 per cent, to be paid to the Arab proprietors only, on a yearly instalment basis within 20 years from the date of the enactment of the law. The memorandum draws the attention of the Special Committee to the following possible consequences of this law:

"1. It will place the remaining Arabs of Jerusalem under constant duress to sell their confiscated properties after 1948 to Israel through a so-called 'legal transaction'.

"2. It will give rise later, for the interpretation before international circles and world opinion, that the Arabs of Jerusalem have willingly sold their properties to Israel or Israeli citizens.

"3. These former stages may be widely publicized by the occupying authorities to support their claim to the annexation of Jerusalem and to their subsequent allegation that Jerusalem is the capital of Israel.

"4. It will wipe out the rights of return and restitution of property to the Arabs of Jerusalem.

"5. It will be considered as a precedent to apply the same rules to the rest of the occupied territories.

"6. It will finalize [sic] Jerusalem Arab population, and later the rest of the Palestinian Arab population in the occupied territories in Arab ghettos.

"7. Finally it will liquidate Jerusalem Arab people, the Palestine people and the Palestine case."

(d) Uncontradicted reports, appearing in the information media, of the planned establishment of Israeli settlements in the occupied territories

Examples of such reports are:

- (i) The master plan for construction of housing units in occupied Jerusalem, which was made public earlier this year. This plan involves not only the construction of approximately 21,000 units inside occupied territory but also construction of these units on expropriated land of which 74 to 80 per cent belonged to Arabs. The information on the housing units was given by Housing Minister Ze'ev Sharef during a press conference which was reported in the Jerusalem Post on 5 March 1971. The information concerning the expropriated lands was contained in a report of a press conference given by Mayor Teddy Kollek reported on 29 January 1971. In this connexion, the Special Committee also had occasion to view a film which is purported to have been taken recently in the area where the construction is

in progress (see para. 42 above).

- (ii) Announcements, such as that reported in the Jerusalem Post on 1 March 1971, that two more settlements were planned for the Golan Heights during 1972 and one more settlement was planned in Rafah.
- (iii) The reports carried on 5 January 1971 in the Jerusalem Post, according to which the first "moshav shitufi" (settlement) in Sinai was established on 4 January 1971. The settlement was established near Rafah.
- (iv) The report carried on 30 December 1970 in the Jerusalem Post, according to which industrial buildings in Hebron were to be constructed in the new Jewish Quarter that was being built. The area of the construction of these industrial buildings extended to 1,500 square metres, according to the reported statement of Finance Minister Pinhas Sapir. The Minister was further reported as stating that this was only the first phase, and that when part of these buildings had been occupied, construction of additional structures would begin, totalling 4,000 square metres.
- (v) Reports, such as the one appearing in the Jerusalem Post on 30 December 1970, in which the establishment of two civilian settlements in the Jordan Valley and on the Golan Heights during 1971 was announced.
- (vi) The announcement carried on 3 December 1970 according to which a settlement, Kfar Darom, was re-established in the Gaza Strip. According to this report this settlement had existed prior to 1948 and it had been over-run by the Egyptian Army during the 1948 war.
- (vii) The report carried on 30 December 1970 according to which a settlement which had been founded by the Jewish Agencies Settlement Department near Latrun was becoming permanent.
- (viii) Reports, such as that appearing in the Jerusalem Post on 15 June 1971 according to which the first permanent Jewish civilian settlement in Hebron was inaugurated. The report also states that the first 50 families will be moving into the estate in Hebron at the beginning of September 1971. At the present moment, according to the report, they are housed in temporary quarters in the grounds of military government buildings. The Special Committee was shown a film purporting to be evidence of this statement (see para. 42 above).
- (ix) The report appearing in the Jerusalem Post on 17 December 1970 according to which Acting Prime Minister Yigal Allon disclosed that the Government of Israel had decided on the establishment of five more Jewish settlements in the occupied territories.
- (e) Several letters addressed by the Governments of Jordan and Syria concerning measures by the Government of Israel in violation of the human rights of the persons living in occupied Jerusalem

These appear in documents S/9969, S/10123, S/10130, S/10139, S/19149 and S/10169. The Government of Israel has answered some of the allegations in letters circulated as documents S/10138, S/10142 and S/10146, and has sought to rebut them. Since the Government of Israel's rebuttal of the allegations made by the Government of Jordan is based on the claim that occupied Jerusalem has been annexed to Israel, and as the United Nations Security Council and General Assembly have rejected this claim, the Special Committee feels that the rebuttal is devoid of force or substance.

A number of letters also concern the question of settlements in the Golan Heights. These are contained in documents S/9823, S/10213 and S/10300. The letter circulated as document S/10213 in turn gave rise to further communications addressed to the Secretary-General by Israel and Syria. The Syrian letters are circulated in documents S/10224, S/10232 and S/10238. The Israeli letters are contained in documents S/10220, S/10228 and S/10234. The Special Committee has considerable evidence to show that the eviction of the civilian population on a substantial scale occurred in the period immediately following the hostilities of June 1967, although the process had commenced even during the hostilities. The Special Committee made reference to this aspect of the violation of the human rights of the civilian population in the Golan Heights in its first report to the Secretary-General (A/8089). The Special Committee is aware of the statements made by Israeli leaders to the effect that the Golan Heights will be annexed by Israel. It also has evidence to show that settlements have been established in the Golan Heights area (see para. 48 (a), (b) and (d) above), on or near the sites of villages that had been forcibly evacuated during or after the hostilities. The Special Committee considers this to be a violation of the right of return of those persons who had fled before, during and after the June 1967 hostilities. Irrespective of any political settlement that is in contemplation or that is ultimately reached, the people whose home is in the Golan Heights have an immediate and incontestable right to return to their homes.

- (f) The absence of any serious attempt at repatriation of the refugees to their homes in the occupied territories

On the basis of the testimony of several of the persons forcibly evicted, heard by the Special Committee in Damascus in 1970 (A/8089, para. 75), the report of the International Committee of the Red Cross on its activities in the Middle East (June 1967 to June 1970) reproduced in The International Review of the Red Cross, August and September 1970, Nos. 113 and 114, as well as reports in the Israeli press, the Special Committee has concluded that there has been no serious attempt by the Israeli authorities at repatriation of civilians whose homes are in the Golan Heights and certainly no policy to that end. Subsequent press releases by the International Committee of the Red Cross indicate that, apart from sporadic efforts through schemes of repatriation designed to reunite families and schemes involving but a few score of persons, there has since June 1967 been no repatriation on any significant scale to warrant the conclusion that the Government of Israel is acting in recognition of the human right of the refugees to return to their homes.

(g) The mass expulsion and continued deportation of individuals from the occupied territories

The Special Committee confirms the finding reached in its first report (A/8089, paras. 75-77) that in several cases, particularly in the Golan Heights and in the Latrun area (West Bank), whole village populations were forcibly expelled by Israeli forces and have not so far been allowed to return. The Special Committee notes that the allegations made by the Government of Jordan in its letters circulated as documents of the Security Council and the General Assembly have not been refuted by the Government of Israel (see paras. 49-51 below).

(h) The continued transfer of the population of the occupied territories to other areas within the occupied territories

Such transfers of population have occurred in the case of several villages that were systematically destroyed in 1967: the population of these villages was either expelled or forced to live elsewhere in the occupied territories. The same practice has been followed in occupied Jerusalem. According to a report in the Jerusalem Post of 17 May 1971, Mr. Teddy Kollek, Israeli Mayor of Jerusalem, stated that 4,000 Arabs had been evacuated from Jerusalem. Likewise, in the case of Gaza, according to reports appearing in several newspapers and in letters addressed by Governments, several thousands of persons were displaced from the three major refugee camps in Gaza. Official Israeli sources have stated that these transfers of population were necessitated by new security measures, such as the construction of wider roads inside the camps in order to facilitate patrolling and the maintenance of law and order in the camps. Most of the persons whose refugee accommodation was destroyed to permit of the construction of these roads were forced to leave for the West Bank and El Arish, while a few were said to have sought refuge with other families inside Gaza.

The Special Committee considers that the transfers were unwarranted and that even if the construction of new roads was considered indispensable for the maintenance of law and order, the arbitrary transfer of population was unnecessary, unjustified and in breach of the Fourth Geneva Convention.

B. Allegations of deportation

49. Allegations of deportation of individuals from the occupied territories were made by the Jordanian Government in letters circulated in the following documents: S/9868, S/9885, S/9904, S/9919, S/10073, S/10074, S/10165 and S/10203. According to these letters, forcible expulsion took place after arbitrary detention and ill-treatment. The Government of Israel's only reply to these allegations was made in a letter circulated as document S/9879. It refers to the allegation of forcible deportation made by the Jordanian Government in document S/9868, but, in the Special Committee's view, does not refute the allegation. The Government of Israel merely states that "letters such as those addressed... by the Permanent Representative of Jordan... are obviously designed to serve as a smokescreen to conceal Jordan's heavy responsibility for the continued bloodshed and suffering on both sides". The Special Committee has seen for itself some of the persons mentioned in the Security Council documents, who alleged that they had been deported. It had before it letters from the ICRC to the President of the Jordan Red Crescent Society in which it is stated that "the ICRC deeply deplores the fact" (i.e., expulsion of civilians from the West Bank) and that "ICRC delegates in the West Bank made many interventions during the last three years" (i.e., three years ending November 1970) "protesting against the fact of the expulsion and pleading in favour of individual cases". The letter goes on to state as follows: "I can assure you that they will continue strenuously to interfere in favour of these expelled persons". The Special Committee has no doubt that a large number of persons have been forcibly deported regularly from the occupied territories by the Israeli authorities. The fact of deportation is established beyond all reasonable doubt in the view of the Special Committee, and the frequency with which it has taken place since the June 1967 hostilities leads the Special Committee to believe that this is part of the Government of Israel's policy. The Government of Israel has not commented on allegations of deportation contained in the letters of the Jordanian Government and referred to earlier in this paragraph.

50. Unlike the policy of annexation, which is openly admitted and declared by member of the Government of Israel and by Israeli leaders, there is no similar admission or declaration of policy in regard to deportation. The oral evidence of witnesses appearing before the Special Committee, together with the established fact that a substantial number of individuals have been deported, clearly demonstrates the existence of a policy of deportation on the part of the Government of Israel. Although, in effecting these deportations, the Government of Israel invokes the Defence (Emergency) Regulations, 1945, which have been

extended to the occupied territories, such deportations constitute a breach of the provisions of article 49 of the Fourth Geneva Convention. The Special Committee has already pronounced itself on these Regulations in its first report (A/8089, paras. 57-60) and it maintains the same opinion it held then, namely, that the Regulations are ultra vires the Fourth Geneva Convention.

51. On the question of deportation, the Special Committee also notes the decision of the Supreme Court of Israel, sitting as High Court of Justice in the case of Azmi Ibrahim Marar versus Minister of Defence et al., (H.C. 17/71). Marar had petitioned the High Court of Justice for an order nisi calling upon the Minister of Defence to show cause why he should not rescind his decision to deport the petitioner from the country. The petitioner had been detained for a considerable time under Regulation III (1) of the Defence (Emergency) Regulations, 1945, which provides that: "A Military Commander may by order direct that any person shall be detained in such place of detention as may be specified by the Military Commander in the order". Later the Minister of Defence, by virtue of the powers vested in him by Regulation 112 of the Emergency Regulations, issued an order for his deportation. Regulation 112 provides that: "(1) the Minister of Defence shall have power to make an order, under his hand, for the deportation of any person from Israel. A person in respect of whom a deportation order has been made shall remain out of Israel so long as the order remains in force". The Regulation also provides for an advisory committee, appointed under the Regulations, which is empowered to consider and make recommendations to the Government in respect of any deportation order, if requested to do so by any person whose deportation has been ordered under the Regulations. In this case, the petitioner had asked the advisory committee to consider the deportation order. The Advisory Committee having considered the order, recommended that it remain in force. The Court dismissed the petition, basing itself inter alia on the argument that it was not within the competence of the High Court to consider the argument brought by the petitioner since this is entrusted exclusively to the Advisory Committee in virtue of Regulation 112, "whether this be desirable or not". The decision was given on 20 January 1971.

C. Demolition of houses and eradication of villages

52. In addition to the evidence heard by the Special Committee in the course of its investigation in 1970 concerning demolition of houses, further evidence was presented on the same subject in 1971. In particular, the Special Committee takes note of regular reports appearing in the Israeli press regarding demolition of houses.

53. Some witnesses appearing before the Special Committee also alleged demolition of houses:

(a) Shafik Ahmad Hassan Shteiwil, 20 years of age, who was arrested on 24 April 1970. According to Shteiwil, his brother was a member of the resistance movement and the Israelis had threatened to subject his mother and two sisters, who had been arrested, to harsher treatment if he did not give information about his brother. Shteiwil testified that their house had been demolished, his mother and one sister killed and the other sister detained in prison. He also testified that his house had been one of seven demolished by the Israeli Army.

(b) Saber Mohammed Abdul Latif, head of the local council of the village of Beit Fajjar, in the Hebron District, testified that after his arrest on 1 November 1969, his village had been besieged for about four months, no water had been allowed in and some 70 houses had been blown up. Abdul Latif had been deported on 28 August 1970.

54. The Special Committee also noted the following reports of demolition appearing in the Israeli press; this is not a complete list of such reports on the subject, but they are quoted by way of illustration:

- 10 May 1970, Ha'aretz - 3 houses in Hebron.
- 20 May 1970, Ha'aretz - 70 houses - Marj Na'Jeh (North Jordan Valley).
- 27 May 1970, Jerusalem Post - 5 houses - Ashkar Refugee Camp near Nablus.
- 21 December 1970, Jerusalem Post - 5 houses, Gaza.
- 12 January 1971, Jerusalem Post - 7 houses - West Bank, Kafir Tayasir (near Jenin).
- 28 February 1971, Jerusalem Post - 6 houses, Burin Village (Nablus area).
- 31 March 1971, Jerusalem Post - 3 houses, Sillet e-Dahr, near Janin; Atzira e-Kebliyah, near Nablus.
- 2 April 1971, Jerusalem Post - 10 houses, Gaza.

55. The Special Committee also received from the Government of the United Arab Republic a statement containing a list of 34 houses that were demolished, with details of ownership, the size of the buildings, and the dates of demolition. According to this list, these demolitions took place during December 1970.

56. The Special Committee has not been able to ascertain the exact number of houses that have been demolished, but the fact that demolition of houses takes place is undeniable. On 13 November 1969, the Prime Minister of Israel declared to the press that the destruction of buildings at Halhoul and Gaza was in pursuance of her Government's policy of destroying the houses of persons helping members of Al Fatah. This same statement, according to a report of the International Committee of the Red Cross, was communicated by the Ministry of Foreign Affairs to the ICRC delegation on 23 December 1969 (International Review of the Red Cross, September 1970, No. 114, pages 488 and 489).

57. In addition to allegations of demolition of houses, the Special Committee received reports that a number of villages have been entirely destroyed by the Israeli authorities in the occupied territories. This is acknowledged in the aforementioned report of the International Committee of the Red Cross (pages 485-486) and newspaper reports such as those, for example, appearing in the Sunday Times (London) on 11 October 1970, where reference is made not only to the villages of Jalou, Beit Nuba, and Imwas, also referred to by the Special Committee in its first report, but in addition to villages like Surit, Beit Awwa, Beit Mirsem and El-Shuyoukh in the Hebron area and Jiflik, Agarith and Huseirat, in the Jordan Valley. The Special Committee has ascertained that all these villages have been completely destroyed. The Special Committee would also recall the case of Halhul, in regard to which it stated in its first report (A/8089, para. 73):

"... 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."

The Special Committee heard allegations of the destruction of over 400 Arab villages, but no evidence in corroboration has been furnished to the Special Committee.

58. In a letter addressed to the Jordan National Red Crescent Society on 23 June 1971, the ICRC delegate in Jordan stated:

"... I would like to inform you that, according to our delegation in the West Bank, the village of Nebi Samwil was in fact destroyed by Israeli armed forces on March 22, 1971.

"The president of the ICRC, Mr. Naville, has recently sent a letter to Mrs. Golda Meir in which he expresses the ICRC's grave concern about the destruction of buildings in the occupied territories. In this letter, which was transmitted at the end of May, he underlines the negative effect of these destructions on families and reaffirms the ICRC's position - already expressed many times before - as to the serious violation of humanitarian principles that they represent."

D. Allegations of ill-treatment while under detention

59. In its first report, the Special Committee referred to the testimony of some witnesses who had appeared before it and who had made allegations of ill-treatment suffered while under detention (A/8089, paras. 78-111). In the course of the evidence heard during its visit to Amman and Beirut in 1971, the Special Committee heard further allegations of ill-treatment by individuals appearing before it. The Special Committee received a number of written communications in which allegations of ill-treatment were made.

60. In carrying out its investigation in 1971, the Special Committee sought evidence of a corroborative nature rather than a repetition of the allegations made at the Special Committee's hearings in 1970. The Special Committee heard as many witnesses as possible in the time available and was informed of many others who were apparently ready to give evidence of their personal experiences in prison and detention camps in the occupied territories. In certain cases these statements were supported by other evidence, in the form of medical reports or visible marks of mutilation, physical injury or impairment of faculties. The Special Committee can neither accept nor reject such allegations in the absence of further corroborative evidence.

61. The Special Committee realizes the practical difficulties involved in obtaining evidence concerning allegations, such as those involving ill-treatment, which, by the very nature of the allegation, takes place in circumstances where corroborative evidence is not likely to be available. The serious nature of allegations of this type necessitates a most thorough examination of all relevant evidence before the Special Committee could pronounce itself further as to whether the individual allegations have been proven or whether a prima facie case has been established in regard to them and, secondly, as to whether these incidents do establish a pattern of action tantamount to a regular practice on the part of the Israeli authorities.

62. The ICRC expressed similar difficulties in its report (International Review of the Red Cross, September 1970, No. 114), in particular with regard to the approximately 300 prisoners who were being held for interrogation (as of the end of May 1970) and to whom it had no access. In that report, the ICRC stated that in May 1969 its delegate had been authorized by the Minister of Defence to talk in private with prisoners whose interrogation was finished and that delegates could, in the presence of an Israeli officer, also see prisoners held for interrogation, to check their state of health, while a few detainees held incommunicado could not be visited. The ICRC also stated that this procedure referred only to prisons and that "police

stations and military camps remained closed to the delegates". The ICRC reports that visits were carried out under this procedure from April to September 1969. The report states:

"However, in the autumn of 1969, the Israeli authorities informed the ICRC that the number of prisoners had so increased that they were obliged to change visiting arrangements; from that time on, the delegates would not be able to see any detainee held incommunicado... even if his 'isolation' was not necessarily solitary confinement but was shared with either prisoners in the same category.

"The ICRC rejoined that such a procedure was unacceptable and it endeavoured to find a solution consistent with the letter and the spirit of the Fourth Geneva Convention. Even though its delegates thought that there had been some improvement in interrogation conditions, the ICRC considered that the visiting procedure laid down by the Israeli authorities no longer permitted it to ensure that interrogation methods at variance with humanitarian law did not occur.

"On 19 April 1970, the Israeli Government authorized the delegates to carry out their visits subject to the following conditions: each prisoner would continue to be visited about once a month; no detainee would remain in a detention centre without being seen by the delegates on their second visit after the arrest of the prisoner, unless, in exceptional circumstances and for imperious security reasons, he was denied such a visit, in which case his name would be communicated to the delegation."

63. The Special Committee notes that the greater part of allegations concerning ill-treatment while under detention, including those made this year, relate to experiences of prisoners or detainees while under interrogation in police stations or military camps. The prison most seriously and most frequently implicated in these allegations was Sarafand. Among those witnesses who stated that they had been ill-treated in Sarafand Military Camp were the following: Suleiman Mohammed Abu Tair, 22 years old, who had been arrested on 2 February 1969 and deported on 15 June 1971; a witness arrested in June 1970 (and later deported) who testified in closed meeting; Mohammed Ali Omar Abu Bakri, 35 years old, who was arrested on 9 February 1970 and deported on 18 March 1971; Hamdi Khalil Mahmoud Kassab, 50 years of age, who was arrested on 6 April 1969 and deported in May 1971.

64. Among the cases mentioned by the Special Committee in its first report, the Committee would like to refer to the case of Moayyad Osman Badawi El-Bahsh, 22 years of age, who was arrested in December 1967 in Nablus and deported on 7 September 1970. El-Bahsh appeared before the Special Committee in Beirut on 14 July 1971. He was at that time undergoing treatment in London. The witness' left arm showed signs of complete paralysis when he appeared before the Special Committee. He alleged that this was due to the ill-treatment that he had suffered upon his arrest and that the arm had become paralysed on 9 March 1968. El-Bahsh said that he had been subjected to electrical torture, with clips placed on his ears and genitals and a band around the head, and that he had also been stretched with one arm tied to a post and another to a door which had been constantly opened and closed. The Special Committee observed scars, which could have been caused by cigarette burns, on the witness' legs, knees, thighs, ankles and penis. The witness stated that he had been suspended by the wrists from a window and a soldier had jumped up and down on the shackles holding his legs together, causing paralysis of the left arm. The witness also stated that he had been visited in 1968 by a representative of Amnesty International. Giving evidence before the Special Committee on 16 April 1970 (A/AC.145/RT.19, page 67), Najib El-Ahmed stated that he had met El-Bahsh in the infirmary in Nablus Prison in 1968, that they had spent more than 30 days together in the infirmary, that El-Bahsh had developed "partial paralysis of the left side right up to the shoulder", which El-Ahmed attributed to torture to which El-Bahsh had been subjected at Sarafand. Amnesty International is said to have sent a report on this case to the Government of Israel. Although this report itself has not been produced, the Special Committee has received from Amnesty International a copy of the Government of Israel's comments on the case. In the opinion of the Israeli doctors, "medical tests had proved that from an objective point of view there were no signs of paralysis or injury caused to the left arm as claimed" and El-Bahsh's condition appeared to be one of hysterical paralysis, "where the mental state of the patient seemingly causes paralysis, without there being any objective evidence of damage to the nerves". The report states:

"From the X-ray taken of Moayid [El-Bahsh] on 18 February 1968 and subsequent medical tests, it is apparent that there is no basis to the complaint that his left arm had been broken 'in camp' between 24 and 29 January 1968.

"It was similarly proved by the medical evidence that during the period between 24 January and 8 March 1968, Moayid had not suffered from a break or fracture in his left shoulder or arm."

At the time of writing the Special Committee still awaits the reports of the doctors by whom El-Bahsh was being treated when he appeared before the Special Committee.

65. The Special Committee has already cited in its first report certain cases of alleged ill-treatment of prisoners and detainees (A/8089, paras. 78-111). The Government of Israel's delegate stated in the Third Committee during the twenty-fifth session of the General Assembly (A/C.3/SR.1782) that they had information in rebuttal of the allegations. The delegate of Israel referred to the case of Mr. Mohammed Derbas, who had told

the Special Committee that he had been castrated by surgery by an Israeli doctor (A/8089, para. 104); the Israeli delegate stated that he had information to prove that Mr. Derbas had been operated on earlier by an Egyptian doctor. The Special Committee accordingly requested the Government of Israel to furnish this information (see para. 9 above). The Government of Israel has not so far furnished this evidence.

66. There are other cases which were cited last year where the evidence is compelling, namely those of Mr. Sadaddin Kamal (A/AC.145/RT.11, A/8089, paras. 78 and 79), Mr. Youssef Salahat (A/AC.145/RT.21, A/8089, paras. 78, 96, 100), Mr. Abu Ras (A/AC.145/RT.20, A/8089, paras. 93-95), Mr. Najeb Mohammed Issa El-Khattab (A/AC.145/RT.23, A/8089, paras. 96, 100), Mr. Suleiman M. Sheikh-Eid (A/AC.145/RT.24, A/8089, paras. 98 and 99), Mr. Munir Abdullah Ghannam (A/AC.145/RT.23, A/8089, para. 102), Mr. Abu Rumeile (A/8089, paras. 80 and 86), Mr. Ismael Abu Mayaleh and his wife, Mrs. Abla Tahha (A/AC.145/RT.22, A/8089, paras. 78, 85, 101). These cases provided strong evidence which, in the Special Committee's judgement as expressed in its first report (A/8089, para. 108), justified the conclusion that there is in several prisons, especially in Sarafand Military Camp, a regular practice of ill-treating inmates, mainly during interrogation.

67. Since the first report of the Special Committee was issued, Mr. Abu Rumeile was sentenced on 25 December 1970 to ten years' imprisonment. This, according to the President of the Court, as reported in the Jerusalem Post, was a light sentence "in view of the fact that Rumeile had admitted to the charges and had fallen ill during his detention". The evidence before the Special Committee shows that Mr. Abu Rumeile, who had been arrested on 8 March 1969, had been so ill-treated that his mental faculties were affected (see A/8089, para. 86, and appendix VII In a letter dated 27 January 1970, in annex VII to the Special Committee's report, the lawyer for Mr. Rumeile, Mrs. Felicia Langer, wrote to the Minister of Security:

"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 Tiqva, which revealed that my client is no longer able 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 Ramele 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."

E. Administrative detention

68. The Special Committee notes that the practice of administrative detention of individuals continues. Under this practice a considerable number of persons are still deprived of their liberty without charges being brought against them. According to a report appearing in the Jerusalem Post on 15 June 1971, Defence Minister Moshe Dayan informed the Knesset that in May 1970 the number of administrative detainees was 1,131 and that in June 1971 the number had decreased to 560. Of these, 229 came from the West Bank, 303 from the Gaza Strip, 14 from Jerusalem and 14 from Israel. The then Commander of the Israeli forces in Gaza, Menahem Aviram, addressing the press on 1 February 1971, on the day after the month-long, 22-hours a day curfew in Shati Refugee Camp was lifted and journalists allowed to tour the area, stated that local lock-ups in Gaza were filled to their 700-bed capacity and that 160 Gaza Palestinians, mostly administrative detainees, were kept in a prison camp in the Sinai. In addition, according to the same report (Jerusalem Post, 2 February 1971) and the same source, there were 24 families of wanted persons living in specially constructed quarters in the Sinai. They were exiled to prevent them from aiding and abetting their relatives who were wanted, and they would be returned as soon as the wanted persons were captured. The report states that Commander Shlomo Gazit, Military Commander of the occupied territories, "flatly rejected journalist requests to visit the Sinai detention camp". The report quotes him as saying "it would not be good for Israeli public relations".

F. Other allegations

69. Several other allegations have been made before the Special Committee, such as intimidation of the local population by the imposition of harsh curfews for prolonged periods, mass arrests and changes in school curricula of Arab children. The Special Committee commented on these allegations in its first report (A/8089, paras. 71-77, 112-122). The Special Committee would refer particularly to the curfew imposed in the Shati Refugee Camp in Gaza in January 1971 following the death of two Israeli children as a result of the throwing of a hand grenade in a public street. The curfew lasted for a period of four weeks for 22 hours a day. A complementary measure was the calling into the area by the Israeli authorities of the so-called Border Police, whose treatment of the civilian population was alleged to have been inordinately harsh and even brutal. These allegations regarding the behaviour of the Border Police find corroboration in a statement made by the Commander of the Israeli forces in Gaza, as reported in the Jerusalem Post on 2 February 1971, soon after the curfew in Shati Refugee Camp was lifted and visiting journalists were allowed to tour the area. The report states: "Speaking to journalists, Commander Aviram also admitted that there had been several cases of Israeli troops beating up and robbing Arab suspects, and said the men responsible were disciplined in every case after the charges were substantiated."

70. The Special Committee notes that periodic mass arrests of young men, in groups ranging between 21 and 50, continue. These round-ups are usually justified on the ground of some act of violence attributed to the resistance. Examples of such mass arrests are: the arrest of 25 young men in Jenin, reported in the Jerusalem Post on 21 March 1971; of 28 men in Gaza, reported on 25 February 1971; and of 45 in Hebron on 10 February 1971. Oral evidence given before the Special Committee indicates that such arrests are effected in a random manner.

71. The Special Committee's attention has been drawn to what are alleged to be instances of radical changes in the educational curricula of Arab children apparently designed to weaken their national consciousness or to obscure the identity of the Palestinian people.

IV. FINDINGS

72. The evidence that the Special Committee has received reflects a policy on the part of the Government of Israel designed to effect radical changes in the physical character and demographic composition of several areas of the territory under occupation by the progressive and systematic elimination of every vestige of Palestinian presence in these areas. It would have the effect of obliterating Arab culture and the Arab way of life in the area, and, contrary to international law, of transforming it into a Jewish State. Measures taken under this policy include the establishment of settlements for Israeli Jews in, for example, occupied Jerusalem, Hebron, certain parts of the Jordan Valley, the Golan Heights, Gaza, Northern Sinai and Sharm El-Sheikh. Such a policy will render more difficult any eventual restoration of the Palestinian people's property and other rights. Besides denying the right of Palestinians who have fled the occupied territories to return to those territories, it also threatens the right of Palestinians who have remained in the occupied territories to continue to live there. In the Special Committee's view the right of the inhabitants of the occupied territories to remain in their homeland is unqualified and inalienable.

73. The Special Committee is of the opinion that the practice of deportation of persons from occupied territories, as carried out by Israel, is not only contrary to article 49 of the Fourth Geneva Convention but is also part of a total policy of depriving the people of the occupied territory of their right to remain in their homeland. The Special Committee has made the same finding with regard to the practice whereby Israeli nationals are transferred to the occupied territories, as is the case in East Jerusalem, Hebron, the Golan Heights, certain parts of the Jordan Valley, Gaza, Northern Sinai and Sharm El-Sheikh.

74. In the debate on the Special Committee's report in the Special Political Committee during the twenty-fifth session of the General Assembly, the delegate of Israel, referring to his Government's policy in the occupied territories, stated that several thousands of Arab visitors had been allowed into the territories during the summer of 1970 (A/SPC/SR.744-751; A/C.3/SR.1782). According to reports in the Israeli press, several more thousand visitors have been permitted this year. Although this may be considered as a positive aspect of Israeli policy towards the territories it occupies, it is no remedy in the circumstances. The summer visitors' programme is no substitute for recognition of the right of the refugees to return to their home - a right that is continued to be denied to them by the Government of Israel - nor does it have any bearing whatsoever on the declared policy of the Government of Israel to settle occupied territories and on the fact that several hundred persons had been deported from their home in the occupied territories on official deportation orders purporting to be issued by the Israeli authorities under the Defence (Emergency) Regulations, 1945. No statistics are available of the number of persons who have been forcibly expelled without any such formality. These facts remain true, irrespective of what the Israeli authorities claim to be a liberal policy of granting visiting permits or of lifting travel restrictions. The same observation would apply to the statement frequently made that Israeli policy in the occupied territories is to keep the Israeli presence as unobtrusive as possible, not interfering with the conduct of local affairs and keeping intervention by the occupation government to a minimum. It is difficult to reconcile the latter statement with the recurring curfews imposed for periods ranging from dawn-to-dusk over a stretch of 22 hours and the habitual intervention of Israeli troops to deal with acts of resistance to the occupation. The fact remains that (a) the Government of Israel

still refuses the population of the occupied territories the right to return to their home; (b) the declared policy of the Government of Israel is to settle occupied territories with Israeli citizens; (c) the Government of Israel regularly deports civilians from the occupied territories.

75. The Special Committee has shown in paragraphs 52 and 58 above that the Government of Israel's declared policy is to destroy the houses of persons suspected of helping members of the resistance. This policy is in violation of articles 33 and 53 of the Fourth Geneva Convention. It also violates the fundamental right of the protected persons to a home. The evidence before the Special Committee shows, moreover, that the destruction of houses takes place arbitrarily and that it has not ceased. The Special Committee notes the efforts of the ICRC to aid victims, whose houses have been demolished, by providing relief supplies and temporary shelter. The Special Committee notes that many persons whose houses have been demolished have left the occupied territories. The Special Committee is of the view that the policy of demolition of houses in this manner and a demonstrated policy of deportation, as parts of a general policy of annexation and settlement, can have but one result: the elimination of any possibility of the fulfilment of the Palestinian people's right of self-determination within the confines of their own homeland.

76. It is clear that the right of the Palestinian people to their own homeland was sanctioned by the United Nations in all resolutions adopted by the General Assembly and Security Council, including resolution 181 (II) by virtue of which the General Assembly of the United Nations recommended the Plan of Partition with Economic Union as spelled out in the resolution. The Plan of Partition, in the same manner as other United Nations resolutions and declarations on the question, has acknowledged the right of the Palestinian people to self-determination. The concern of the international community for this basic right was further manifested when the General Assembly adopted the International Covenants on Human Rights, article 1 of each of which proclaims the right to self-determination. The Israeli policy would have the effect of extinguishing the right of the Palestinian people to self-determination. The Special Committee considers any act in furtherance of that policy to be a violation of a fundamental human right to which all peoples are equally entitled.

77. Numerous allegations of ill-treatment while under detention have been made before the Special Committee. In the absence of sufficient corroborative evidence, the Special Committee is unable to reach a conclusive finding in regard to these cases. The Special Committee is convinced however that, apart from general prison conditions which, despite reported efforts at improvement, are stated to be bad, mainly due to overcrowding, interrogation procedures very frequently involve physical violence (see International Review of the Red Cross, September 1970, No. 114, pages 504-505; and The Red Cross in Action, news bulletin No. 164, 14 July 1971).

78. The evidence shows that the practice of imposing harsh curfews continues. In regard to the four weeks' long curfew imposed on the Shati Refugee Camp following the grenade incident in January 1971, the conditions of curfew make it appear to have been more of a form of reprisal than a necessary means of either preventing similar incidences or bringing the offenders to book.

79. In regard to allegations of mass arrests, the Special Committee has reached the conclusion that whatever their avowed purpose, the arrests were clearly calculated in part to be a means of destroying the morale of the people of the occupied territories.

80. For lack of evidence, the Special Committee is unable to arrive at a finding on the allegation that radical changes have been made in the education curricula of Arab children of the occupied territories. The Special Committee understands that UNESCO has interested itself in securing for the children of the occupied territories the quality and type of education to which they are entitled.

81. On the basis of the testimony placed before it or obtained by it in the course of its investigations, the Special Committee had been led to conclude that the Government of Israel is deliberately carrying out policies aimed at preventing the population of the occupied territories from returning to their homes and forcing those who are in their homes in the occupied territories to leave, either by direct means such as deportation or indirectly by attempts at undermining their morale or through the offer of special inducements, all with the ultimate object of annexing and settling the occupied territories. The Special Committee considers the acts of the Government of Israel in furtherance of these policies to be the most serious violation of human rights that has come to its attention. The evidence shows that this situation has deteriorated since the last mission of the Special Committee in 1970.

82. The Special Committee must emphasize once again the importance of having an arrangement for implementing the provisions of the Geneva Conventions which would be acceptable to all parties and which would thereby better ensure the safeguarding of the human right of the population of the occupied territories. The Special Committee regards its task as essentially a humanitarian and not a political one, despite the fact that there are certain political and juridical problems that necessarily arise from the nature of the Middle East question as a whole. It is, however, clear to the Committee that the arrangement it recommended in its report to the Secretary-General (A/8089, para. 155) should be implemented if any progress is to be achieved in safeguarding the human rights of the population of the occupied territories. The Special Committee would like to draw particular attention to the recommendation which provides for the representation under this

arrangement of the large population within the occupied territories which has not yet been given the opportunity of exercising the right of self-determination. The Special Committee in no way intends to enter into the question of the status of any of the States vis-à-vis one another nor is the arrangement it proposed in any way meant to prejudice whatever political attitudes these States have taken in relation to one another until now. The arrangement envisaged by the Special Committee is designed to ensure that the persons in the occupied territory are guaranteed the protection of their rights, namely, the primary right to remain in or return to their home and other rights consistent with their status as the civilian population of an occupied territory.

83. The Special Committee has already stated in its first report (A/8089, para. 146) that it considers that in this case the fundamental violation of human rights lies in the very fact of occupation. The most effective way of safeguarding the human rights of the population of the occupied territories, therefore, is to end the occupation of these territories. Occupation constitutes an infringement of the principle of territorial integrity which has been accepted and repeatedly endorsed by the family of nations and has been enshrined in the Charter of the United Nations. The same principle has been further recognized and elaborated by the United Nations in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations adopted by the General Assembly at its twenty-fifth session (resolution 2625 (XXV)) on 24 October 1970. The principle that the acquisition of territory by force is inadmissible has been expressly reaffirmed by the General Assembly in paragraph 1 of resolution 2628 (XXV) relating to the situation in the Middle East. The evidence received by the Special Committee since its mission to the Middle East in 1970 strengthens its conviction that, failing an end to the occupation itself and if the provisions of the Geneva Conventions of 1949 are to be enforced, the States concerned will have to agree to an arrangement that would remove any suspicion regarding violations of human rights of the population of the occupied territories.

V. RECOMMENDATIONS

84. The Special Committee, having examined the evidence before it, reiterates the recommendations that it made in its first report (A/8089, paras. 145-156) with the modifications indicated below.

85. The Special Committee notes that the declared Israeli policy of annexing Jerusalem has become even more manifest in the construction of large housing projects on the occupied eastern limits of the city undertaken as an apparent instrument of that policy. The Special Committee recommends that the General Assembly call upon the Government of Israel to desist from all measures for the annexation of the occupied part of Jerusalem.

86. The Special Committee also notes that since the presentation of its first report certain policies and practices which the Special Committee found to exist in the occupied territories have been continued, in some instances on an even wider scale. This is especially so in regard to the policy of encouraging the movement of Israeli settlers into such settlements. The Special Committee recommends that the Government of Israel be called upon to discontinue this policy.

87. The Special Committee must also draw attention to the fact that the practice of deportation of civilians from the occupied territories has continued unabated, and must record its grave concern that this practice, together with the policy of establishing settlements in the occupied territories, seems calculated to eliminate an identifiable Palestinian community altogether from the occupied territories. The Special Committee, therefore, recommends that the General Assembly at the same time call upon the Government of Israel to permit, unconditionally, all persons who have fled the occupied territories, or who have been deported or expelled therefrom, to return to their homes.

88. The Special Committee still maintains that the existing arrangements for the enforcement of the Third and Fourth Geneva Conventions are, in the circumstances, inadequate as they neither enable complete and exhaustive investigation of allegations of violations of these Conventions nor do they in a positive sense ensure their scrupulous observance. Such an investigation can be effective only if the parties concerned extend their willing co-operation.

89. The evidence before the Special Committee shows that the practices and policies found to exist in the occupied territories in 1970 have not ceased, and for this reason the Special Committee would reiterate the recommendation contained in paragraph 155 of its first report (A/8089) regarding the establishment of a mechanism to ensure the safeguarding of the human rights of the population of the occupied territories. In renewing this recommendation the Special Committee must emphasize that it attaches the highest importance to the proper representation of the interests of the Palestinian population, which has not yet been given the right of self-determination. (The Special Committee wishes to emphasize the need for effective implementation of the Geneva Conventions; and that humanitarian considerations should transcend all political differences and difficulties. Humanitarian considerations and the importance of protecting rights accorded under international law can and should be kept separate and distinct from the political issues.) The Special Committee is satisfied that the arrangement it proposes does not and cannot prejudice any final settlement of the political problem involved in accordance with the terms of Security Council resolution 242 (1967).

90. The Special Committee, therefore commends to the States parties to the conflict in the Middle East the adoption of the arrangement proposed by it in its first report. The merit of that proposal is that it conforms to the spirit of the Third and Fourth Geneva Conventions while avoiding certain political problems inherent in the present situation. For such an arrangement to be effective, three elements are essential:

- (a) There must be supervision of the conditions of occupation;
- (b) This supervision must be exercised by an independent and impartial body;
- (c) The investigating body must enjoy freedom of operation in the spirit of the Geneva Conventions.

91. The arrangement proposed by the Special Committee in its first report (A/8089) and recommended by it again is as follows: The General Assembly might recommend:

- (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 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 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. The Special Committee recommends that 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 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.

VI. ADOPTION OF THE REPORT

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

(Signed) H.S. AMERASINGHE (Ceylon)

(Signed) HUSSEIN NUR-ELMI (Somalia)

(Signed) B. BOHTE (Yugoslavia)

Notes

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

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

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

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

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

6 Ibid., Forty-eighth Session, Supplement No. 5 (E/4816), chapter XXIII.

7 Ibid., Forty-fourth Session, Supplement No. 4 (E/4475), para. 400

8 Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2), chapter III.

9 See Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 6 (E/4831).

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

11 The Geneva Conventions of 12 August 1949, Commentary on the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (International Committee of the Red Cross, Geneva, 1958), pages 275 and 276.

12 The annexing State "succeeds" to all the sovereign rights of the dismembered State in the territory annexed.

A/8389 English Annex I Page 1

ANNEX I

LIST OF SECURITY COUNCIL AND GENERAL ASSEMBLY DOCUMENTS CIRCULATING LETTERS FROM THE GOVERNMENTS OF ISRAEL, JORDAN, SYRIA AND THE UNITED ARAB REPUBLIC CONCERNING THE SITUATION IN THE OCCUPIED TERRITORIES

1. A/7983	-S/9823	Letter dated	5 June 1970	from the Permanent Representative of Syria addressed to the Secretary-General
2. A/7988	- S/9868	" "	16 July 1970	from the Permanent Representative of Jordan addressed to the Secretary-General
3.	S/9879	" "	20 July 1970	from the Permanent Representative of Israel addressed to the President of the Security Council
4. A/7997	- S/9885	" "	23 July 1970	from the Permanent Representative of Jordan addressed to the Secretary-General
5. A/8039	- S/9904	" "	12 August 1970	from the Permanent Representative of Jordan addressed to the Secretary-General
6. A/8051	- S/9919	" "	27 August 1970	from the Chargé d'affaires a.i. of Jordan addressed to the Secretary-General
7. A/8141	- S/9969	" "	28 October 1970	from the Permanent Representative of Jordan addressed to the Secretary-General
8. A/8270	- S/10073	" "	8 January 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
9. A/8271	- S/10074	" "	8 January 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
10. A/8281	- S/10123	" "	17 February 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
11. A/8286 and Corr.1	- S/10130 and Corr.1	" "	22 February 1971	from the Permanent Representative of Jordan and the United Arab Republic addressed to the Secretary-General
12. A/8287	- S/10133	" "	26 February 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
13. A/8289	- S/10138	" "	1 March 1971	from the Permanent Representative of Israel addressed to the Secretary-General
14. A/8290	- S/10139	" "	2 March 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
15. A/8293	- S/10142	" "	3 March 1971	from the Permanent Representative of Israel addressed to the Secretary-General
16. A/8295	- S/10146	" "	5 March 1971	from the Permanent Representative of Israel addressed to the Secretary-General
17. A/8296	- S/10149	" "	8 March 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
18. A/8304	- S/10165	" "	26 March 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
19. A/8307	- S/10169	" "	1 April 1971	from the Chargé d'affaires a.i. of Jordan addressed to the Secretary-General
20. A/8315	- S/10203	" "	21 May 1971	from the Permanent Representative of Jordan addressed to the Secretary-General
21. A/8317	- S/10213	" "	28 May 1971	from the Permanent Representative of Syria addressed to the Secretary-General

22. A/8323 - S/10220 and Corr.1 and Corr.1	" "	10 June 1971	from the Permanent Representative of Israel addressed to the Secretary-General
23. A/8324 - S/10224	" "	15 June 1971	from the Permanent Representative of Syria addressed to the Secretary-General
24. A/8325 - S/10228	" "	17 June 1971	from the Permanent Representative of Israel addressed to the Secretary-General
25. A/8326 - S/10232	" "	21 June 1971	from the Permanent Representative of Syria addressed to the Secretary-General
26. A/8327 - S/10234	" "	23 June 1971	from the Permanent Representative of Israel addressed to the Secretary-General
27. A/8329 S/10238 and and Corr.1 Corr.1	" "	25 June 1971	from the Chargé d'affaires of Syria addressed to the Secretary- General
28. A/8365 S/10300	" "	25 August 1971	from the Permanent Representative of Syria addressed to the Secretary-General

A/8389 English Annex II Page 1

ANNEX II

LIST OF WITNESSES APPEARING BEFORE THE SPECIAL COMMITTEE IN OPEN MEETING

1. Mr. Abdul Fattah Mohammed Saleh Awad	48th meeting - 8 July 1971
2. Mr. Mohammed No'Man Rimawi	48th meeting - 8 July 1971
3. Mr. Suleiman Mohammed Abu Tair	49th meeting - 8 July 1971
4. Mr. Eid Odeh Ma'Ayoub	49th meeting - 8 July 1971
5. Mr. Abdul Salam Hassan Tamimi	49th meeting - 8 July 1971
6. Mr. Ruhi El-Khatib	49th meeting - 8 July 1971
7. Bishop J. Simaan	49th meeting - 8 July 1971
8. Mr. Mohammed Ali Omar Abu Bakri	50th meeting - 9 July 1971
9. Archbishop Theodoros	51st meeting - 9 July 1971
10. Mr. Said Abdallah Dali	51st meeting - 9 July 1971
11. Mr. Saleh Nofal	51st meeting - 9 July 1971
12. Mr. Hassan Abdul Hadi Ihmaid	51st meeting - 9 July 1971
13. Mr. Abdulaziz Fayez	51st meeting - 9 July 1971
14. Mr. Arafat Hijazi	52nd meeting - 11 July 1971
15. Mr. Saber Mohammed Abdul Latif	52nd meeting - 11 July 1971
16. Dr. Carlos Dhimis	52nd meeting - 11 July 1971
17. Mr. Mohammed Abu Daich	52nd meeting - 11 July 1971
18. Mr. Ahmed Mohammed Elayyan	52nd meeting - 11 July 1971
19. Mr. Fathi Mahmoud Shabaneh	52nd meeting - 11 July 1971
20. Sheikh Ass'ad Bayyoud Tamimi	52nd meeting - 11 July 1971
21. Mr. Mahmoud Othman Aloul	53rd meeting - 11 July 1971
22. Mr. Omar Said Salman Al-Akhras	53rd meeting - 11 July 1971
23. Mr. Mahmoud Mohammed Ibrahim Idwan	53rd meeting - 11 July 1971
24. Mr. Ghazi Saudi	53rd meeting - 11 July 1971
25. Dr. Georges Dib	54th meeting - 13 July 1971
26. Mr. Ibrahim El-Abid	54th meeting - 13 July 1971
27. Mr. Ahmad Houdhod	54th meeting - 13 July 1971
28. Miss Youssa Abou Tahoun	54th meeting - 13 July 1971
29. Mr. Mohammed Kamal	56th meeting - 14 July 1971
30. Mr. Sabri Jiryis	56th meeting - 14 July 1971
31. Mr. Moayyad El-Bahsh	56th meeting - 14 July 1971
32. Sheikh Taher Shabana	57th meeting - 15 July 1971
33. Mr. Taysir Kuba'a	57th meeting - 15 July 1971
34. Mr. Mohammad Hassan El Shorbag	57th meeting - 15 July 1971
35. Mr. Abdu Kadu Salem	57th meeting - 15 July 1971
36. Mr. Saad Radwan El Jabbour	57th meeting - 15 July 1971
37. Mr. Saleh Mohammed Arada	57th meeting - 15 July 1971
38. Mr. Mohammed Khamis Atia Aiesh	57th meeting - 15 July 1971
39. Mr. Namoun Izat Tenhaki	57th meeting - 15 July 1971
40. Mr. Ibrahim Abdul Rahman Dib Rajab	57th meeting - 15 July 1971
41. Mr. Rajeh Mohammed Mohammed Ghobn	57th meeting - 15 July 1971
42. Mr. Hamdi Khalil Mahmoud Kassab	58th meeting - 15 July 1971
43. Ahmed Tawfik Mahmoud Rashid	58th meeting - 15 July 1971
44. Mr. Ibrahim Mohammed Nabahin	58th meeting - 15 July 1971
45. Mr. Ibrahim Mohammed Abdel Nabi Al-Hindawi	58th meeting - 15 July 1971
46. Mr. Shafik Eshtiwi	58th meeting - 15 July 1971

