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GENERAL ASSEMBLY
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preliminary list*
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE POPULATION OF THE OCCUPIED
TERRITORIES
INTERNATIONAL COVENANTS ON
HUMAN RIGHTS

SECURITY COUNCIL
Forty-fourth year

Letter dated 27 June 1989 from the Permanent Representative of
the Syrian Arab Republic to the United Nations addressed to
the Secretary-General

In my capacity as Chairman of the Group of Arab States for the month of June 1989, and on behalf of the members of the Group, I have the honour to transmit to you the report issued pursuant to the recommendation of the Permanent Arab Committee for Human Rights, adopted by the Council of the League of Arab States at its ninety-first session under resolution 4907 of 30 March 1989.

Would you kindly have this report circulated as an official document of the General Assembly, under items 37, 39, 78 and 99 of the preliminary list, and of the Security Council.

(Signed) Ahmad Fathi AL-MASRI
Ambassador
Permanent Representative of the
Syrian Arab Republic to the United Nations
Chairman of the Group of Arab States

* A/44/50/Rev.1.

ANNEX

Report submitted to the Secretary-General of the United Nations by the Secretary-General of the League of Arab States pursuant to the recommendation of the Permanent Arab Committee for Human Rights, adopted by the Council of the League at its ninety-first session under resolution 4907 of 30 March 1989

INTRODUCTION

1. The present report was prepared in implementation of the recommendation concerning Israeli practices against human rights adopted by the meeting of the Permanent Arab Committee for Human Rights held at Tunis from 3 to 8 October 1988. The first paragraph of the recommendation reads as follows:

"To entrust the Assistant Secretary-General, Chief of the Department of Legal Affairs, as director of the secretariat of the Committee, with the preparation of a comprehensive report on Israeli practices against human rights to be submitted by the Secretary-General of the League of Arab States to the Secretary-General of the United Nations and to be circulated to the international human rights bodies and other humanitarian organizations."

2. The international instruments that apply to the situation in the occupied territories and on the basis of which the present report sets out to review Israeli practices against human rights are as follows:

2.1 The Charter of the United Nations, particularly article 1, paragraph 3, which states that one of the Purposes of the United Nations is "To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

2.2 The Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907.

2.3 The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Israel acceded to the Convention on 6 July 1951, and the United Nations has determined that it applies to the occupied territories. 1/

2.4 The Universal Declaration of Human Rights, of 10 December 1948.

2.5 The International Covenant on Economic, Social and Cultural Rights, of 16 December 1966.

1/ Security Council resolution 463 (1980) of 1 March 1980, and General Assembly resolution 36/147 of 16 December 1981.

2.6 The International Covenant on Civil and Political Rights, of 16 December 1966.

2.7 The following resolutions of the United Nations General Assembly and the Security Council: General Assembly resolution 43/21 of 3 November 1988; Security Council resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, and 608 (1988) of 14 January 1988.

3. Israeli violations of the political and territorial integrity of the occupied territories

3.1 With the occupation of Jerusalem in 1967, Israel immediately began to take preparatory measures for its annexation. The United Nations General Assembly has adopted numerous resolutions on the matter, some of which are mentioned below:

Resolution 2253 (ES-V) of 4 July 1967, in which the Assembly calls upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem and requests the Secretary-General to report to the General Assembly on the situation and on the implementation of the resolution not later than one week from its adoption;

Resolution 2254 (ES-V) of 14 July 1967, in which the Assembly, taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V), reiterates its call to Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem.

In the same connection, the Security Council has adopted the following resolutions:

Resolution 252 (1968) of 21 May 1968, in which the Council, bearing in mind the need to work for a just and lasting peace and reaffirming that acquisition of territory by military conquest is inadmissible, deplores the failure of Israel to comply with General Assembly resolutions, considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status, urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem, and requests the Secretary-General to report to the Security Council on the implementation of the resolution;

Resolution 267 (1969) of 3 July 1969, in which the Council reaffirms its resolution 252 (1968), deplores the failure of Israel to show any regard for Security Council resolution 252 (1968) of 21 May 1968 and General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967, and determines that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in the matter.

Nevertheless, despite the aforementioned resolutions, on 30 July 1989 the Israeli Knesset enacted a law by virtue of which it annexed the city of Jerusalem and proclaimed it the capital of Israel. This provoked a violent reaction and repercussions in all parts of the Islamic and Christian worlds. The Eleventh Islamic Conference of Foreign Ministers, held at Islamabad from 17 to 21 May 1980, adopted a resolution calling for an immediate meeting of the Security Council to examine the dangerous situation arising from the decision of the Israeli authorities seeking to annex and declare Al-Quds Al-Sharif (the Holy City of Jerusalem) as the capital of Israel and to consider the serious implications of Israel's moves and their consequences for United Nations resolutions relating to the achievement of a just and lasting peace in the Middle East.

On 30 June 1980, the Security Council adopted resolution 476 (1980) declaring null and void measures taken by Israel to change the character of Jerusalem in which the Council, reaffirming that acquisition of territory by force is inadmissible, bearing in mind the specific status of Jerusalem and the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city, reaffirming its resolutions relevant to the character and status of Jerusalem, gravely concerned over the legislative steps initiated in the Israeli Knesset with the aim of changing the character and status of Jerusalem in flagrant violation of the Fourth Geneva Convention, urgently calls on Israel to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem and reaffirms its determination, in the event of non-compliance by Israel with the present resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of the present resolution.

On 20 August 1980, the Security Council adopted its resolution 478 (1980) in which it decides not to recognize the "basic law" on Jerusalem and calls upon: (a) All Member States to accept this decision; (b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City, requests the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980 and decides to remain seized of this serious situation.

3.2 Alteration of the physical character, demographic composition and institutional structure of the City of Jerusalem.

3.3 Transformation of the military administration into a civil administration. On 1 November 1981, by virtue of military order No. 947, the occupation force created a civil administration as another step towards the annexation of the occupied territories. 3/

3/ The United Nations General Assembly, in its resolution 36/147 C of 16 December 1981, and the Security Council, in its resolution 465 (1980) of 1 March 1980, consider that all measures taken by Israel to change the institutional status of the occupied territories are null and void.

3.4 Introduction of changes in the judicial apparatus, in violation of article 8 of the Universal Declaration of Human Rights. 4/

3.5 Dismissal of mayors and members of municipal councils, despite the fact that the fourth Geneva Convention stipulates that the Occupying Power may not alter the status of public officials. 5/

3.6 Establishment of settlements. All the Israeli schemes for the establishment of settlements in the occupied territories have confirmed that their purpose is to retain those territories and that the quickest means of reaching that objective is the speedy establishment of settlements.

The establishment of settlements in the occupied territories is in violation of article 46 of the Regulations annexed to the Hague Convention of 1907 and article 49 of the fourth Geneva Convention of 1949. This has been unanimously affirmed by the Security Council 6/ and the General Assembly of the United Nations. 7/

4. Israeli assaults against economic, social and cultural rights

4.1 Derogation of the right of ownership. Since the beginning of the occupation, Israel has used its authorities in the occupied territories to acquire the greatest possible amount of land, using for that purpose methods of deception which constitute flagrant violations of basic property rights. The primary such method is the Absentee Property Act (military order No. 58), which requires the approval of the occupation authorities before any transaction may be carried out involving such property and such practices have extended to Islamic endowment property. The expropriation of land in its various forms has the purpose of transferring the ownership of land from the Palestinians to the occupiers. The occupation authorities also impose other obstacles which restrict Palestinians in the exercise of their rights. No structures more than two storeys in height may be erected on any building lot, and Palestinian villages are not permitted to expand at a time when their populations are rising at an accelerated rate. At the same time, the Jewish settler colonies are expanding in the occupied Arab territories and spreading like a cancer in all directions. Even use of the water from wells on land owned by Palestinians is subject to stringent conditions. This is in violation of the International Covenant on Economic, Social and Cultural Rights,

4/ "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

5/ Article 54.

6/ Council resolution 465 (1980) of 1 March 1980.

7/ Assembly resolution 36/147 B of 16 December 1981.

which states that "All peoples may ... freely dispose of their natural wealth and resources ... In no case may a people be deprived of its own means of subsistence." 8/

Israeli violations of the right of ownership in the occupied territories are also incompatible with the declaration of the United Nations General Assembly on permanent sovereignty over natural resources for which Israel cast a positive vote. 9/ The General Assembly has strongly condemned the "illegal exploitation of the natural wealth, resources and population of the occupied territories". 10/

4.2 Obstruction of economic and social development. Israel's policy in the occupied territories has the aim of subjugating their economic circumstances to its own economic interests. This policy has had the effect of tying the economy of the territories to that of Israel, with the result that the occupied territories have come to represent the second-ranked external market for Israeli exports. At the same time, exports from the occupied territories to Israel are prohibited or subject to impossible conditions. Economic enterprises suffer from the absence of a Palestinian banking system, which the occupation authorities have abolished. They also suffer from the decree prohibiting the establishment of any Palestinian economic enterprise that might compete with Israeli industry.

Palestinian municipalities are likewise forbidden to participate in any economic development project. 11/ The United Nations General Assembly has condemned these practices on numerous occasions, notably in its resolution 36/147 of 16 December 1982.

The occupation authorities have, moreover, frequently had recourse to the use of the economy as a weapon against Palestinian citizens or for the purpose of collective punishments. Examples include the felling of fruit trees, the destruction of crops and the closure of places of business. The news media have recently carried a report to the effect that the occupation authorities are preventing the olive harvest in the Ramallah area and imposing a greater number of obstacles on Palestinian exports to Jordan 12/ in the framework of a collective reprisal operation.

8/ Article 1, paragraph 2.

9/ Assembly resolution 1803 (XVII) of 14 December 1962.

10/ Assembly resolution 36/147 C of 16 December 1982.

11/ Thus the occupation authorities in the municipality of Ramallah have prevented investment in an economic development project of a sum donated by Algeria. Source: Report of the mission of the International Association of Democratic Lawyers to the occupied territories, 22-28 May 1982.

12/ Agence France Presse, 25 October 1988.

4.3 Exploitation of Palestinian labour. Palestinians who go daily from the occupied territories to work in Israel are forbidden to spend the night there. Palestinian workers are thus obliged to travel twice a day between their homes and their places of work. This forces them to do eight hours of work, with an additional three or more hours for the two-way journey. In their relations with their Israeli employers, they have no social security coverage or trade union representation. At the same time, Palestinian workers earn barely one half of the amount earned by Israeli workers. This is in violation of International Labour Organisation Convention No. 111 of 25 June 1958. Likewise, the non-recognition of the Palestinian trade unions by the occupation authorities constitutes a flagrant violation of article 8 of the International Covenant on Economic, Social and Cultural Rights. The phenomenon of Palestinians from the occupied territories working in Israel is, of course, a direct result of the economic and settlements policies pursued by the occupation authorities in the West Bank and the Gaza Strip, which have progressively reduced the number of employment opportunities and sources of livelihood and have created unemployment in the ranks of the Palestinians. The fourth Geneva Convention has outlawed this type of policy, in that its article 52 stipulates that "All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited."

4.4 Suspension of the educational process in the Palestinian territory. Since the beginning of the Israeli occupation, the educational process in the occupied Palestinian territories has been subject to all forms of harassment and to practices incompatible with the most elementary human rights in the field of education. The Israeli occupation authorities have placed all possible obstacles in the way of the implementation of UNESCO resolutions relating to educational and cultural institutions, have refused to allow the parties concerned to monitor the functioning of the educational process and have prevented co-operation among the competent bodies with a view to providing it with the necessary facilities. The arbitrary Israeli measures have extended to syllabuses and textbooks. The occupation authorities have eliminated the Arab Jordanian syllabuses and have prevented the use of many approved books with the suspension of the Jordanian Education Act No. 16 of 1964 and its replacement by the Israeli Act No. 564 of 16 July 1969. They have also mutilated textbooks, removed certain items from them, deleted other items, falsified the information contained in them, and banned the circulation of a number of them.

The occupation authorities have also stepped up their repressive practices against schools and educational institutions. They have permanently or repeatedly closed and demolished educational buildings, including schools belonging to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). They have imposed a stranglehold on pupils and students by random arrests, arbitrary expulsion, military trials, assigned residence and administrative detention. These practices have also extended to teachers and professors.

On all of these aspects of Israeli policy in the occupied territories, reference can be made to the report of Father E. Boné, a professor at the Catholic University of Louvain in Belgium. He completed the report in 1987, as commissioned by the UNESCO General Conference at its 23rd session, and it deals in detail with

the sufferings of Palestinian youth in the field of academic freedoms and the circumstances in which they are exercised in the occupied territories.

With the outbreak of the uprising, the oppression and repression engaged in by the occupation authorities against educational institutions and Palestinian students and teachers became more severe and were extended to cover the educational process as a whole.

4.5 Deterioration of the health situation. The occupation authorities use various means and impose various restrictions in order to destroy the popular health structure and prevent the building of new hospitals. As a result, and with the population increase, health services in the Arab community have deteriorated. This appears clearly in the ratio of the number of physicians to number of inhabitants, in that, according to 1987 estimates, there is only one doctor for every 2,900 inhabitants among the Arabs, as compared with one doctor for every 1,800 inhabitants among the Jews. In the Arab community, medical coverage extends to no more than 15 per cent of the population. A comparison with the number of clinics in the Jewish community shows a glaring shortfall in the services available to Palestinian citizens and explains, to some extent, the very low number of annual visits made by Arab children to doctors in comparison with Jewish children. When malnutrition and the adverse physical, economic, living and housing situation of the Palestinian people in the occupied territories are added to the shortcomings in medical services, then the high mortality rate at all ages in comparison with that among the Jews can be understood.

5. New trends in Israeli policy towards human rights in the occupied territories

The year of the observance of the fortieth anniversary of the Universal Declaration of Human Rights, 1988, was marked by an assault on human rights in the occupied territories that was unique of its kind. Palestinians in their occupied homeland were subjected to all manner of repressive practices directed against their persons, property and freedoms and against the things they hold most sacred. This repressive Israeli campaign of repression encompassed all Palestinian citizens without exception; women, children, young people, adults and the elderly. The Israeli occupation forces resorted to the use of lethal weapons such as live ammunition, plastic bullets and toxic gases, many of them internationally prohibited, saw fit to make use of methods of torture and oppression in the street, in the home and in the prisons, and their reprisals and collective punishments against defenceless citizens were stepped up. In view of the extreme gravity of developments in Israeli policy towards human rights, and particularly the most recent developments, the present report will focus on the following points:

- I. Collective punishments.
- II. Arrest and detention.
- III. Reprisals.
- IV. Testimonies of foreign delegations.
- V. Statistics.

/...

I. Collective punishments

Imposition of curfews, closure of the West Bank and the Gaza Strip, and imposition of a complete blockade on the inhabitants.

Closure of Palestinian universities and of schools at all educational levels - elementary, secondary and intermediate - for long periods of time of more than three months, and prevention of students from taking examinations for 1987-1988.

Closure of the West Bank and the Gaza Strip for three consecutive days in March 1988, and closure of all crossing points.

Disruption of electricity supply to the occupied West Bank and Gaza Strip for a long period of time.

Cutting of telephone lines and isolation of the West Bank and the Gaza Strip from the outside world on a number of occasions.

Dismissal of all school teachers appointed at the beginning of 1988 with effect from 1 April 1988.

Closure of national, trade union, workers' and professional associations and of benevolent societies for a six-month period.

Closure of all offices of the Shabibah movement, prohibition of its activities and arrest of its members.

Imposition of restrictions on exports of fruit and vegetables from the West Bank and the Gaza Strip.

Reduction in the amount of funds allowed to be brought into the occupied territories.

Placing of obstacles in the way of movement of trucks loaded with agricultural produce and fruit across the bridges, thereby causing their spoilage.

Raising the cost of travel permits and taxes to more than \$US 200 a time.

Harassment of the population by subjecting residents of the Gaza Strip to orders requiring them to change their identity cards, causing them financial loss and preventing them from working.

Closure and suspension of daily newspapers and weekly magazines in the occupied territories, and imposition of strict censorship on news.

Imposition of exorbitant taxes on Arab merchants, closure of shops, breaking of locks on premises, looting of shops and imposition of cash fines on shopkeepers.

Expropriation of land and of water sources, clearing of plantations and olive trees, building of wide roads for military purposes and for the use of the settlements, and prevention of farmers from harvesting their produce.

II. Arrest and detention

1. The arrest process

Any Israeli soldier can arrest any Palestinian in the occupied territories on the grounds that he has some connection with an act that is in breach of security.

A soldier may detain an arrested person for a period of four days. On receipt of a detention order issued by a police officer, the period of detention is immediately extended for seven more days, for a total of 11 days. This period can be extended for a further seven days, for a total of 18 days, without trial. After that time, a military court may extend the period for up to six months.

2. Role of the defence

Any contact between the attorney and his detained Palestinian client depends on a decision of the prison director who can, as frequently happens, prevent any meeting between the attorney and his client from taking place. Contact between attorney and client is only allowed if the prison director is convinced that the request for a meeting has the sole object of dealing with legal issues relating to the prisoner and that the meeting will not affect the course of the investigation.

3. Excesses by the police in the course of investigation

Confessions are obtained by the police in the following circumstances:

Use of violence against detainees in order to extract confessions by force;

Absence of an interpreter chosen by the detainee;

Recording of the detainee's statement in the Hebrew language, to be signed by him despite the fact that he does not know that language.

The Landau report, submitted by an Israeli government commission in October 1987, reflects numerous infractions of the rules of investigation. It states that it is unfortunate and regrettable that the investigators of Shin Beth (the Israeli internal intelligence agency) commit gross violations in their practices as individuals and as a group. Confessions extracted by the police from the accused are the main evidence presented against them in the civil and military courts. The Landau commission states that those who investigate suspects resort to the use of physical violence during interrogation and that, without such methods, investigations could not possibly be productive. The confession of a suspect obtained during interrogation is considered by the commission to be, in the majority of cases, the only evidence against him.

4. Trials and the constitution of courts

The Israeli military courts in the occupied areas are made up of one officer and two attorneys serving as reservists in the Army and chosen by the Ministry of Defense. Military orders No. 378, for the West Bank, and No. 1970, for the Gaza

Strip, stipulate that the military governor of the district shall appoint officers of the rank of captain and above legally qualified to act as judges and that those officers may be professional soldiers or reservists. The dean of Israeli lawyers in Jerusalem has stated that the selection of judges in such a manner is incompatible with the principle of impartiality, and he doubts the legality of the constitution of such courts in accordance with article 3 (1) (d) of the fourth Geneva Convention of 1949 and articles 9 and 14 of the International Convention on Civil and Political Rights, of 16 December 1966.

The laws applied by the Israeli military courts are incompatible with article 67 of the Geneva Convention, which stipulates that: "The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with the general principles of law, in particular the principle that the penalty shall be proportionate to the offence". It is clear that the Israeli military courts in the occupied areas render arbitrary verdicts without reference to the written laws of the occupied areas which were in force prior to the occupation. This is in violation of article 65 of the Geneva Convention.

Trials are conducted in a manner incompatible with article 72 of the Geneva Convention as regards the need for a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. These courts do not respect this article inasmuch as:

(a) The manner in which the confession of the detained person is extracted is unlawful; the fact that confessions are recorded in the Hebrew language is unlawful; such confessions are the sole evidence presented to the judge;

(b) Secret evidence is presented by the prosecution to the judge alone without the knowledge of the accused or his attorney, in a manner incompatible with article 72 of the Geneva Convention;

(c) The date of the trial is not announced in certain cases and, in all trials, the number of members of the public allowed to attend is unduly restricted.

5. Administrative detention

5.1 On 4 August 1985, the Israeli Government reintroduced the measure of administrative detention in the occupied territories after having abolished it in the early 1980s because of protests against it within Israel and outside. Administrative detention is a means of exerting pressure and using blackmail against Palestinian citizens. This is because of its excessive use and the absence of legal recourse for the detained person.

5.2 Administrative detention is detention without charge and without trial.

5.3 The military commander or his deputy has the power to enforce administrative detentions.

Section 87 (b) of military order 378 indicates that the judge may set aside the Detention Act if it can be shown that the charge on which the detention was based was not one affecting public order or State security. It is thus for the detained person to prove his innocence of any charge affecting State security; that is to say that the burden of proof is on the detained person and not on the prosecution.

The key evidence presented to the military courts and thence to the High Court of Justice is secret and the accused or his attorney may not know its nature. In this connection, section 9 of military order 12/4 indicates that the documents relating to the matters set forth in section 87 (d) are not presented to the detained person or to his attorney. Administrative detention therefore means deprivation of freedom and detention by the military authorities for an unspecified period without the charge against the detained person being revealed.

6. Arrest and imprisonment of children

The fourth Geneva Convention of 1949 regards all those under the age of 15 as children (articles 24, 38 and 50). In its article 64, the Convention stresses the need to retain the legal system existing before the occupation. Jordanian law determines the age of criminal responsibility as beginning at 17 years. The order governing the prosecution of children presently enforced by the occupation authorities stipulates the following:

Six months' imprisonment for children between the ages of 12 and 14;

One year's imprisonment for children between the ages of 14 and 16;

Age is determined as of the date the verdict is rendered and not that of the commission of the offence; it is therefore feasible and possible to bring to trial persons of the age of 12;

In the event that a cash fine remains unpaid, responsibility falls on the father or guardian of the child, who may be imprisoned in the child's place.

It should be pointed out that children are incarcerated in public prisons together with adults from the moment of their arrest.

7. Torture and repression in prisons

In April 1982, Rafael Eitan, Chief of Staff of the Israeli Army, issued a document setting out guidelines for the Israeli policy of suppression. The document calls for the adoption of specific methods in order to impose complete control over the Palestinian people. It states that it is necessary to use force against agitators and protestors and to imprison them whenever the opportunity presents itself. When necessary, legal means should be used which make it possible to imprison such persons for interrogation (without trial) for the period laid down

by law. They should then be set free for a day or two and then imprisoned and tortured again. This and a number of other documents came to light during the trial of seven Israeli soldiers in December 1982.

Military order No. 378, which was issued by the office of General Eitan, Chief of Staff of the Israeli Army, permits the arrest of Palestinians and their detention without bail for a period of no more than 18 days before being brought before a court.

The Jerusalem Post, in its issue of 26 March 1984, reported the allegation that Palestinian detainees "are subjected to torture, brutality and inhuman conditions to break them". The newspaper described these methods as beatings, stripping, systematic humiliation and the arrest of innocent people and their incarceration in toilets and cells full of water.

III. Reprisals

1. Assigned residence

Under this measure, Palestinians are prevented from moving into or out of a particular area. The measure is based on articles 108 and 110 of the British Emergency Act of 1945. Periods of assigned residence are not fixed and vary between three months and four years. The person on whom assigned residence is imposed and his attorney are not informed of the reasons for which the measure is taken.

The decision of the Israeli High Court in case No. 36/981 states that the power laid down in the law is of a preventive nature, is used with future reference and can only be applied if there is a need for protection from an evident danger. This means that the Israeli authorities judge what will take place in the future rather than incidents that have taken place in the past.

2. Use of toxic gases

In a report on the use of toxic gases against civilians and children submitted to the Middle East Council of Churches following a visit to the occupied territories in early February 1988, the Reverend Donald E. Wagner, Director of the Palestine Human Rights Campaign, which is based in the American city of Chicago, wrote as follows:

"On 9 February, I visited the Dohaisha refugee camp near Bethlehem in the Israeli-occupied West Bank. A nine-year-old boy, who had narrowly escaped being kidnapped by militant Israeli settlers near his home the previous day, brought me a used tear gas canister which had been shot into Dohaisha during the weekend. I was then taken to the home of a young mother of 24 years who was seven months pregnant until 9 February. A tear gas canister was shot into her home during the dinner hour. The next day she lost the baby. We walked up to the house to pay a condolence visit and her sister said: 'She is not here. She had to go to the hospital this morning for an operation'.

"The tear gas canister was a silver cylinder, approximately one and a half inches in width and six inches in length. As I extracted it, a fine black powder fell from the three holes in its base. I could feel the powder affect my eyes and sting a cut on my face.

"Written on the canister was ... : '... FEDERAL LABORATORIES, INC., Pennsylvania 15681, USA ... Made in the USA 123456789 MFG 1988'."

The minister states in his report that intra-uterine foetal death is a widespread and serious phenomenon in the uprising and that UNRWA has corroborated that fact and has begun an epidemiological study of the serious situation to which it gives rise. He indicates that, in the light of the evidence he has presented, Israel is employing a form of chemical warfare against the Palestinian inhabitants of the West Bank and Gaza. In concluding his report, the Reverend Wagner calls upon legislative bodies in the United States to assess whether the shipment of tear gas to Israel in January 1988 was in violation of the Congressional Arms Export Control Act (1977) or other instruments and Acts.

3. Demolition and sealing of houses

This measure, derived from article 119 of the British Emergency Act of 1945, is taken against persons suspected of activities prejudicial to security. This means that a building in which a number of unrelated families dwell can be demolished even if the accused is not the owner of the building. The decision to demolish or seal a building is taken by the military governor and is carried out immediately so that no appeal to the High Court is possible.

In 1985, Moshe Yangavi, Chief of the International Law Section in the Israeli Ministry of Defence, explained that when a house is demolished or sealed it becomes a military area and the question of any effective possibility of appeal to the High Court does not arise.

It should here be noted that:

This punishment affects everyone randomly and harms people who have not been charged with any particular act;

The decision to demolish or seal a building can be taken for reasons of district security, and it is not necessary for there to be any specific charge for the measure to be carried out.

4. Eviction and expulsion

There is an Israeli scheme which is exemplified in its first stages by the expulsion of large numbers of Palestinian leaders and young people outside the occupied homeland and which seeks to achieve a number of objectives. The most important of these is to intimidate the leaders of the uprising, since expulsion means separation from family, the severance of all links with the land and the disruption of relationships and interests, and to get rid of particular personalities with a view to depriving the uprising of its leaders.

Essentially, expulsion is to be considered a major element of the Israeli strategy aimed at gradually clearing the land of its inhabitants and implanting it with settlements and settlers in order to obliterate its Arab-Palestinian identity.

Article 49 of the Geneva Convention prohibits deportations outside the occupied territory regardless of their motive. It permits evacuation only if the security of the population or imperative military reasons so demand. At all events, evacuations, according to this article, must take place within the occupied territory and may not involve displacement outside the bounds of the occupied territory. It further states that persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

Expulsion procedures are as follows:

The military governor issues a deportation order against any person on the basis of article 1128 of the British Emergency Act;

The person subject to a deportation order may appeal to the advisory committee for the district in which the order was issued. This committee, in turn, issues a recommendation which may or may not be accepted by the military governor. It should be noted that the military governor is of a rank higher than that of the members of the advisory committee;

If the military governor insists on deportation, the person subject to the deportation order may seek the intervention of the High Court. The deportation order is, however, based on reasons that are secret and cannot be communicated to the deportee or his attorney;

The High Court does not enter into the substance of the matter, as exemplified by the evidence presented in justification of the expulsion order, but considers only whether the military governor took his decision on the basis of a charge which endangers the security of the State and public safety.

5. Beatings and breaking of bones

The International Commission of Jurists and Law in the Service of Man have stated that wounds are concentrated in the region of the legs and the extremities. All fractures are of the hands, legs, arms and knees, thereby indicating that the legs were extended and deliberately broken. This also indicates that they were not broken in self-defence or in any ordinary beating. The Commission has also indicated that those wounded in Gaza suffer from a different situation inasmuch as their wounds are concentrated in the head, in addition to the breaking of the legs of detainees.

In a letter to The Jerusalem Post appearing in its issue of 11 February 1988, Professor Stanley Cohen, a resident of Jerusalem, calls for the end to the "destructive occupation" of the West Bank and the Gaza Strip. He points out in his letter that, in statements published in Israel on 25 and 26 January 1988, a number of legal experts had stated that the use of beatings as summary corporal punishment was "manifestly illegal" and that anyone who orders such beatings or carried them out was criminally liable.

Page 2 of The Jerusalem Post of 11 February 1988 carried an article by Dvorah Geltzler. The testimony of several reservists, complete with date and exact times, was summarized in a letter that Chaïke Grossman (Mapam) and Ran Cohen (Citizens' Rights Movement) had sent to Minister of Defence Yitzhak Rabin. The letter insisted that orders to beat and break limbs must be rescinded. Otherwise, the two writers would take the matter to the courts. The letter went on to state that the Israeli occupation forces had caught a group of 17 young men and youths aged between 17 and 20. Their hands were bound and they were seated on the road. Soldiers of the Golan Brigade then began to beat them with their rifle butts and truncheons. When the group had been bruised severely all over their bodies, an order came over the walkie-talkie: "Let them go!" The answer was: "They can't move any more!" Fifteen of them were loaded onto a lorry and driven to a wadi and there dumped into the valley.

6. Opening fire on demonstrators

The International Commission of Jurists and Law in the Service of Man have estimated that more than 50 per cent of those wounded are hit by live bullets. Wounds are concentrated in the legs, so that these wounded become disabled. High-velocity bullets are used, causing fractures and internal injury to the arteries. Wounds to the lower body lead to medical complications and those to the upper body are invariably fatal. Most of the wounded who received treatment have been hit by internationally outlawed dumdum bullets, which cause the most serious kinds of wounds.

The Israeli Army in the West Bank and the Gaza Strip makes use of two physical liquidation units. The members of these units wear civilian clothes and set out to liquidate individuals who are active in the uprising. This has been confirmed by the correspondent of the Reuters news agency in Jerusalem. He has stated that a secret military unit is operating in the West Bank under the code-name "Duvdevan" ("Cherry") and another in the Gaza Strip under the code-name "Shimshon" (Samson). Among the methods used by the Duvdevan and Shimshon units, according to foreign sources, are the impersonation of Arabs, mixing with demonstrators in order to seize particularly well known and outstanding persons and the impersonation of journalists in order to carry out arrests or take photographs of suspects.

The Reuters correspondent has reported that members of the Duvdevan unit murdered two young Arabs being sought by the Israeli authorities in the village of Yata near Hebron on 9 October 1988. The Israeli newspaper Ha'aretz of 17 October 1988 carried interviews with members of the families of the two young men and with eyewitnesses who stated that a Ford Transit vehicle with a local number plate containing seven persons wearing civilian clothing had arrived in the town and, after the passengers in the vehicle had identified the two young men, Kamal Muhammad Hasan, 23, and Fadl Ibrahim Shahhadah al-Najjar, 25, opened fire on them at close range and killed them.

IV. Testimonies of foreign delegations

1. Report of the Parliamentary Association for Euro-Arab Co-operation

The report of the Parliamentary Association for Euro-Arab Co-operation, which sent a fact-finding committee to Israel and the Arab occupied territories from 31 January to 5 February 1988, stated the following:

(1) The Israeli authorities barred Committee members from entering the camps and areas under curfew so that they could give treatment to the injured. The Israelis seized first-aid vehicles at checkpoints and used them as Trojan horses for entering such areas and killing, beating and detaining people.

(2) Hospitals were stormed and attacked, equipment and implements were broken, patients were dragged from their beds and detained and physicians were exposed to beating and humiliation.

(3) The immunization and pre-natal care programme is being obstructed, particularly in Gaza.

(4) Water is being cut off three to four days a week in the camps, and a large number of camps are suffering from a shortage of food and medical supplies and a piling up of garbage because it is difficult for sanitation personnel to collect it.

The Committee recommended that the "armed enemy" should not repress unarmed demonstrators with live ammunition. The Committee published a long article on conditions in the occupied Arab territories during the uprising, which it saw with its own eyes, in the newspaper Le Monde for 13 February 1988.

The members of the Committee emphasized that they saw about six young soldiers patrolling the camps carrying their truncheons and throwing CS-5 gas at a group of women who were slow in entering one of the town centres and who were carrying pictures of Yasser Arafat and singing nationalist songs. The use of force was unjustified.

The Committee visited hospitals and learned from physicians that some of the patients who were undergoing treatment had been hit by dum-dum bullets, which cause the most severe types of injuries.

In the hospital, the Committee saw a small girl suffering from severe burns which she had sustained when one of the Israeli soldiers emptied a jug of boiling water on her body.

2. Report of the British Liberal Party delegation

In June 1988, six months after the beginning of the uprising, the British Liberal Party sent a delegation of its members to the occupied Palestinian territories. The delegation affirmed that the fervour of the uprising was continuing but that the Western press was not yet following and covering events with the right enthusiasm. The military censorship imposed by the Israeli forces

on events happening in the occupied territories was partly responsible for news not reaching world information agencies.

The basic points which the delegation emphasized in its report were as follows:

(1) The delegation emphasized that the occupation authorities prevent Palestinians from establishing new industries.

(2) Israel imposes taxes on Palestinian inhabitants in contravention of the Geneva Conventions.

(3) The Mayor of the Municipality of Hebron stated to the delegation that the Palestinians under occupation are paying annually approximately 1 billion dollars in direct and indirect taxes and are only receiving services worth one third of that amount.

(4) The Israelis have confiscated one third of the land area sown with citrus fruit. They have prevented exportation and cut off the water to an extent where citrus fruit trees cannot grow or survive.

(5) The Israelis are exploiting child employment in the Gaza strip against the law. Ariel Sharon was one of the first to employ children on his farm in the Negev desert. They take the children off to work at night so that observers for the Israeli authorities cannot see them.

(6) The proportion of university graduates among Palestinians is relatively high, but work opportunities are very limited, especially in the Gaza strip. This has forced those with advanced degrees and university graduates to work on farms, in restaurants and coffeehouses, in the construction industry and at fuel stations.

(7) The main problem with regard to infrastructure is water. A well was dug in the West Bank in 1936 to meet the needs of 20,000 inhabitants. Since that time, no more wells have been dug, while the population has increased more than five times. Israelis prohibit the digging of new wells by Palestinians while permitting Israeli settlers who are there illegally to dig the wells that they need. The reserve of the town of Hebron, for example, is left to the settlers, and the water pipes are extended to the settlement of Kiryat Arba. If there is any reduction in the water reserve, the water supply to Hebron is cut off while the supply to the settlement remains the same. The Palestinian inhabitants of Hebron pay five times as much for water as do the Israeli settlers.

(8) The occupation authorities prohibit entry into Gaza and exit from it. Many Palestinian towns and villages are in a state of total siege.

(9) Since the beginning of the uprising, Palestinians between 16 and 40 years of age have been prevented from obtaining visas to leave the occupied territories.

(10) The Israelis have confiscated so far more than 50 per cent of the land area of the occupied territories.

(11) The authorities are detaining a large number of Palestinians without trial. No one was able to give the delegation the true figures for the number of prisoners and detainees. Figures vary between 7,000 and 15,000.

(12) Since the beginning of the uprising, the Israelis have been assembling all the long-term political detainees in a new detention centre in the Negev desert called "Ansar 3". This prison lacks water, sanitation and proper food and is full of rats, vipers and scorpions. Random beatings are the rule.

(13) Educational establishments have been closed for long periods since the beginning of the uprising, and the seven Palestinian universities have been closed throughout the uprising.

(14) Before the beginning of the uprising, military order No. 854 was issued preventing students from entering the university without permission from the military authorities. Similar restrictions apply to teachers, students and officials.

(15) Textbooks and curricula are subject to strict censorship, which creates a very real major difficulty.

(16) The collective punishment to which the inhabitants of the occupied territories are subjected constitutes a major violation of the Geneva Conventions. The demolition and destruction of houses is another common practice. The delegation saw a large number of such houses in all parts of the occupied territories. Their inhabitants were forced to resort to living in tents set up within range of their destroyed houses, which they were forbidden to rebuild.

The correspondent for The Independent for 16 February 1988, Charles Richards, wrote that the Israeli armed forces dragged four Palestinian youths from their houses in the village of Salim, beat them violently, forced them to lie down on the ground, used a tractor to pour earth over them and buried them alive. However, the people of the village rushed to drag them out when the Israelis had left. They were still alive, but they found that two of the youths had fainted.

3. Report submitted to the Committee on Foreign Relations of the United States Senate on human rights practices for 1988

Israeli law and the administrative regulations explicitly prohibit acts of this kind (torture and any harsh, inhumane or humiliating punishment or treatment) and lay down penalties for it. However, when security requirements arise, these restrictions change and violations occur. The Landau report, which was issued in 1987, indicated that Israeli general intelligence, known as Shin Bet (General Security Service) had used physical and mental pressure as a matter of routine to obtain confessions.

Israeli citizens are allowed to move freely inside the country, with the exception of the security zones and in cases in which an administrative order is given or in cases of emergency. In 1988, the freedom of movement of two Israeli Arabs was restricted, and both were subjected to administrative detention in the same year. Israelis have the right of movement and travel in the occupied areas, except in those areas which are temporarily closed and declared military zones.

The Palestinian inhabitants in the occupied Arab territories are generally permitted to move and travel within Israel. However, the inhabitants of the occupied territories who work in Israel are required to have special permission to spend the night there. This condition is not normally applied. Palestinians, particularly young men, are barred from entering Jerusalem on Friday, which is regarded as an Islamic holy day.

Israeli citizens are allowed to travel and to emigrate, provided that they have done their military service and are not restricted by administrative orders. However, the restrictions placed on the travel of two Israeli Arabs, who were officials of the Progressive List for Peace party, were renewed in 1988. Those were restrictions on travel abroad and to the occupied Arab territories. The Israeli Government did not give any official reasons for imposing those restrictions.

The Israeli concept of compensation as applied to Jews is based on the right of return and the right of every Jew to acquire Israeli nationality, including Israeli Jews who have emigrated from Israel. The Arab citizens who lived in Palestine under the Mandate and who left the area which became the State of Israel in 1948 do not enjoy the right of return.

"The United States considers Israel's occupation to be governed by The Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas. Israel applies Jordanian law in the West Bank and British mandate law in Gaza, as well as its own military orders which have changed these laws significantly."

"Civilian unrest, reflecting Palestinian opposition to the occupation, has resulted in a number of outbreaks of violence during the last 21 years, which in turn have led periodically to sharp crackdowns by Israeli military forces. Beginning in December 1987, the occupation entered a new phase, referred to as the intifada, when civilian unrest became far more widespread and intensive than at any time heretofore. The active participants in these civil disturbances were primarily young men and women motivated by Palestinian nationalism and a desire to bring the occupation to an end. They gathered in groups, called and enforced strikes, threw stones and firebombs at Israeli security forces and civilian vehicles, or erected barricades and burned tires so as to interfere with traffic. The Israeli Government has regarded the uprising as a new phase of the 40-year war against Israel and as a threat to the security of the State. The Israeli Defense Forces, caught by surprise and untrained and inexperienced in riot control, responded in a manner which led to a substantial increase in human rights violations."

"In hundreds of confrontations between IDF troops and Palestinians throwing stones or Molotov cocktails or engaging in other forms of disorder, however, the IDF frequently responded with gunfire in which casualties resulted. Precise figures on casualties are not available and estimates vary depending on the source and counting criteria. Figures compiled from press,

Palestinian, and Israeli government sources indicate that 366 Palestinians were killed in 1988 as a result of the uprising, most of them by the IDF, some by Israeli settlers. Thirteen Palestinians were killed by other Palestinians for suspected collaboration with Israeli authorities. Over 20,000 Palestinians were wounded or injured by the IDF. Eleven Israelis have been killed in the intifada. According to IDF statistics, approximately 1,100 Israelis have been injured."

"Most Palestinian deaths resulted from the use of high velocity, standard service round bullets by the IDF during attempts to halt incidents involving stones, firebombs or fleeing suspects. According to IDF regulations, live fire is permitted when soldiers' lives are in real and immediate danger. Only a specific attacker may be shot at; fire is to be directed at legs only; and it may be used against fleeing suspects only if a serious felony is suspected and as a last resort. Soldiers may fire only after exhausting all other means - including tear gas, rubber bullets and warning shots. These guidelines were often not followed. Soldiers frequently used gunfire in situations that did not present mortal danger to troops, causing many avoidable deaths and injuries."

"In September IDF policy was changed to allow the firing of plastic bullets in order to stop demonstrations or instigators of demonstrations in situations that do not threaten the lives of security forces and to increase injuries. The IDF claims plastic bullets are less lethal than lead bullets. While no precise figures are available, several deaths were attributed to plastic bullets, and non-lethal casualties increased after they were introduced. Other fatalities included at least 13 reported deaths by beating and at least 4 deaths from tear gas used by the IDF in enclosed areas. Exact figures are unavailable and estimates vary. There have been reports of several instances in which Palestinian wounded died because of IDF delays of ambulances or because, for whatever reason, there were delays in moving the wounded to a hospital. There were five cases in 1988 in which unarmed Palestinians in detention died under questionable circumstances or were clearly killed by the detaining officials."

"Torture is forbidden by Israeli law, and Israeli authorities claim they do not condone it. In 1987 the report of a special judicial commission headed by ex-Supreme Court President Landau confirmed that the Shin Bet had for many years illegally used physical and psychological pressure to obtain confessions from security suspects. The report recommended that limited and clearly delineated 'physical and psychological pressure' (which it defined in a secret annex) should be allowed to be applied in appropriate circumstances. Reports of beatings of suspects and detainees continue, as do reports of harsh and demeaning treatment of prisoners and detainees. Palestinians and international human rights groups state that other practices, including forcing prisoners to remain in one position for prolonged periods, hooding, sleep deprivation, and use of cold showers have continued since the Landau report. Many convictions in security cases are based on confessions. Attorneys are normally not allowed to see clients until after interrogations are completed. The International Committee of the Red Cross is allowed access 14 days after arrest."

"Since the uprising began in December 1987, the number of Palestinian prisoners has risen from about 4,700 to about 10,000. According to IDF figures released 28 November, 5,656 Palestinians were being held in prisons or detention centers. Seven military detention centers were added to two existing facilities, but there is serious overcrowding. Conditions at military detention facilities vary. Abuse of prisoners was particularly severe at the new facility at Dahariya, but conditions there improved after personnel changes were effected and disciplinary measures were taken. There was widespread beating of unarmed Palestinians in early 1988 in uprising incidents and of persons not participating in violent activities. On January 19, the Minister of Defense announced a policy of 'force, might, and beatings' to put down the uprising. He later said there was no policy of 'beating for beating's sake' and that some soldiers were exceeding orders. Nevertheless, in late January and February Palestinian and foreign physicians, human rights organizations, and the international and Israeli press reported widespread incidents in which IDF troops used clubs to break limbs and beat Palestinians who were not directly involved in disturbances or resisting arrest. Soldiers turned many people out of their homes at night, making them stand for hours, and rounded up men and boys and beat them in reprisal for stone-throwings. At least 13 Palestinians have been reported to have died from beatings. By mid-April reports of deliberate breaking of bones had ended, but reports of unjustifiably harsh beatings continued. The Attorney General of Israel criticized this policy and declared it illegal."

"Thirty-six Palestinians were deported in 1988, compared to nine in 1987. These deportations contravene the Fourth Geneva Convention in the view of the United States. The Israeli Supreme Court has disagreed in a formal decision."

"The use of administrative detention greatly increased in 1988. While the peak number of administrative detainees at any one time is uncertain, the number was 2,600 in September 1988. As of November 28, Israeli government figures put the number at 1,590. Most were detained for six months, although 20 per cent of detention orders were renewed. Administrative detentions are ordered by district military commanders. In March regulations were changed to suspend temporarily the automatic review of administrative detention after 96 hours, as formerly required, although a detainee may appeal to a military judge. Secret evidence is often used as grounds for administrative detention, and it is not made available to detainees and their lawyers on grounds that confidentiality is required for security reasons. Such rulings can be appealed to the High Court, which has the right to review to secret evidence, but there have been no reversals. According to the IDF, as of early October 1988 there were 587 cases in which detention periods had been shortened or canceled."

"Israeli authorities maintain that administrative detention is used only against persons recently and repeatedly engaged in actions threatening security, and that political views and activities are not grounds for detention. However, Israel defines 'security' very broadly, and in many cases individuals appear to have been detained for political activities which the

authorities regard as a security threat. Many individuals, including academics, journalists and human rights workers, who have not engaged in or advocated violence or other acts threatening security, have been detained, including many members of 'popular committees', banned organizations which support the uprising in various ways, including non-violent activities. Israeli officials have confirmed that in some instances, release of a detainee depends upon the behavior of the people in the area where the detainee lives."

"Since March the IDF moved over 2,000 administrative detainees at various times from the occupied territories to a detention camp in the Negev desert near Ketziot inside Israel. At its maximum in 1988, the camp held nearly 3,000 detainees but by the end of 1988 the number had dropped to approximately 1,200. Transferring prisoners from occupied territories, in the view of the United States, contravenes the Fourth Geneva Convention. However, the Israeli Supreme Court, in dismissing a petition brought by Ketziot detainees, held the Convention's provisions could not be enforced by an Israeli Court since they have not been incorporated into domestic Israeli law. The Court held, on the basis of a 1988 order relating to military detention and a section of a 1987 law amending and continuing emergency regulations, that Israeli military commanders were empowered to order detention inside Israel proper and that detainees may be held in Israel if the order is issued in Israel. Conditions at Ketziot are rigorous and there is overcrowding. Prisoners are required to live in tents not designed for extended periods of confinement."

"Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal detention period after charges are filed is 60 days before trial. A High Court judge may approve three months extensions."

"Security detainees are usually not allowed bail and are usually denied access to counsel for 18 days. Access may be denied indefinitely for security reasons if officials believe granting access would impede the investigation. Many security suspects are arrested without warrants. The law permits this for up to 96 hours. Officials at times have declined to confirm detentions to consular officers who have inquired on behalf of nationals of their countries. Denial of notification of arrest to third parties, including immediate family members, is common and under the law can be extended for up to 14 days."

"The IDF greatly expanded the use of curfews, including confinement to houses, in Palestinian areas where violence had erupted, or where the authorities believed there was potential for violent protests. Curfews, often prolonged, caused severe hardship to all residents."

"Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. In 1988 forced entries often resulted in beatings and destruction of property, as well as arrests."

Security officials frequently questioned Palestinians about their political views, and such interrogation in some cases involved short-term detention."

"At least 154 houses of Arabs were demolished or sealed for security reasons, affecting over 1,000 people. Of the 154, 101 were totally demolished, 7 partially demolished, 43 totally sealed, and 3 partially sealed. Israeli authorities took these actions after the occupants were accused of involvement in security incidents, but prior to trial and conviction. Demolitions sometimes cause inadvertent damage to neighboring houses. The decision to demolish or seal a house is made by the area military commander. In the West Bank village of Beita in April, the IDF demolished 16 houses before obtaining the legally required orders. Twelve of the house owners have accepted the CIVAD's offer of compensation ranging from 10 to 100 per cent. The other four are continuing negotiations."

"As part of the effort to halt the uprising, the Israeli authorities imposed increasing restraints on freedom of expression and press in 1988, citing security reasons. Palestinians believe that these restraints are arbitrary and politically motivated. The international law of occupation permits an occupying power to restrict freedom of expression and the press. Some criticism of Israeli policies by the Arabic press, most of which is located in East Jerusalem, was allowed. On at least three occasions there was a temporary ban on the distribution of East Jerusalem's Arab press in the West Bank and Gaza. Palestinian publications are required to submit to the military for precensorship all copy relating to the security, public order and safety of Israel and the occupied areas. In practice, this requirement is very broadly defined. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but censorship increased, and hundreds of articles and editorials were expurgated. Israeli authorities administratively detained at least 39 Palestinian journalists and editors for alleged security reasons, and numerous others were interrogated. The major Palestinian news agency was closed for six months in March, and the order was extended for one year in September. An Arabic news magazine was closed indefinitely, and all four Arabic dailies were banned at least once from distribution in the West Bank and Gaza for periods of up to 45 days."

"A permit is required for publications imported into the territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support for Palestinian nationalism. Possession of banned materials, such as uprising leaflets, is outlawed. The IDF periodically declared the occupied territories or certain areas closed in order to exclude local and international journalists; IDF personnel in the territories often issued such orders on the scene to bar access by journalists. Reports by foreign journalists are subject to censorship under a system of self-regulation. Israeli authorities temporarily suspended the credentials of five foreign correspondents for alleged violations of censorship regulations."

"Israeli authorities closed all Palestinian universities in the West Bank and in Gaza all year for alleged security reasons on grounds that they were contributing to violence. All vocational, secondary and elementary schools in

the West Bank had been closed for over six months, the major part of two semesters, but began to reopen on December 1. Schools in Gaza were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were sometimes banned on security grounds. Displaying the Palestinian flag or its colors or Palestinian nationalist slogans is proscribed, as is publicly expressing support for the PLO. Individuals have been detained, or beaten, or forced to take down flags and erase nationalist graffiti. Property owners can be fined for not removing graffiti. At present, it appears that no one has been charged with a crime for this offense. The IDF spokesman has stated that displaying flags or possessing nationalist literature, including intifada leaflets, can be construed as membership in a popular committee, an offense punishable by up to 10 years in prison."

"Political parties and other groups viewed as primarily political are not permitted. Public meetings of more than 10 people require permission. Palestinians often ignore this, but various meetings were broken up or prevented by the IDF."

"In 1988 public services by municipalities and the civil administration were curtailed by a sharp decline in tax revenues caused by strikes, a tax boycott, and economic dislocations related to the uprising. As a result, Palestinian charitable, community, professional and self-held organizations assumed greater roles to provide alternate services. Israeli authorities took increasingly strict measures to curb such organizations because of concern they were supporting the uprising and the PLO and encroaching on municipal and CIVAD authority. Activities banned included home classes organized because of forced school closures and relief to families with relatives killed, injured or detained in the uprising. Individuals involved in such activities were sometimes placed in administrative detention, interrogated, or denied permission to travel on grounds they were supporting the uprising. The Association for Defense of Civil Rights in Israel expressed concern over a military order banning 'popular committees', local organizations which support the uprising in various ways, including non-violent activities. The Federation of West Bank Professional Unions was closed for a year, for alleged security reasons."

"Freedom of movement was restricted periodically in the West Bank and Gaza by scores of IDF curfews (the Palestinian legal rights organization al-Haq estimates as many as 1,600), which were often prolonged to discourage protest activities. Durations of curfews ranged from a few hours to several weeks. During prolonged curfews, with one week-long exception, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. Curfews caused severe hardship."

"On at least three occasions, the IDF issued orders, blockaded villages for long periods, or took other measures to prevent farmers and merchants from harvesting and selling produce or exporting it to Jordan. Israeli authorities asserted that the measures were taken to persuade residents to stop stone throwing and other uprising activities or to reveal the whereabouts of suspects."

"Thousands of Palestinians in the territories travel abroad each year, but Israeli authorities imposed increasing restraints on travel in 1988. Some political activists were forbidden to travel abroad by military commanders' orders or faced delays in obtaining exit visas or laissez-passers."

"There are no obstacles to emigration. Israel sometimes refused to renew laissez-passers of Palestinians from the territories who live or work abroad, on the ground that they have abandoned their residence, although they may not have acquired foreign citizenship. Those who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only, and sometimes are denied entry entirely. Enforcement of the three-month limit for tourist visas for stays by Palestinians appears to be ad hoc. Requests for family reunification are granted only on a restricted basis. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there."

"Israel has also denied the return of many former West Bank Palestinians who were not present in the territories, for whatever reason, at the time of the 1968 census conducted after the June War. Palestinians claim many thousands of family reunification requests are pending. According to the Government of Israel, in 1988, 300 applications for family reunifications were approved, involving 607 people. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, reentry, and family reunification do not apply to Jews, whether or not they are Israeli citizens."

"Jewish settlers in the occupied territories are subject to Israeli law while Palestinians are subject to Israeli military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians are treated less favorably than Jewish settlers in the same areas on a broad range of issues, such as the right to legal process, rights of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Jewish settlers involved in security violations have generally been treated more leniently than Palestinians guilty of similar offenses. Crimes against Israelis are often prosecuted more vigorously than offenses against Palestinians. In June the Supreme Court upheld Israel's authority to deny residency to and deport a Palestinian political activist, born in East Jerusalem, who had acquired foreign nationality. Jews retain residency rights under the Israeli law of return, regardless of having acquired foreign nationality."

"The use of land by Israeli authorities for military purposes, roads, settlements and other Israeli purposes which restrict access by Palestinians, discriminates against Palestinians and adversely affects their lives and economic activities. Approximately 2.5 percent of the total area of the West Bank and East Jerusalem has been turned over to Israeli nationals for residential, agricultural and industrial use by settlers. Palestinians do not participate in the Higher Planning Council, which plans land use in the territories and exercises certain powers transferred from local, municipal and village councils in 1971."

V. Statistics

1. Table of martyrs by age group

Age	December 1987	January 1988	February 1988	March 1988	April 1988	May 1988	June 1988	July 1988	August 1988	September 1988	Total
Under 10 years	-	5	4	7	4	1	3	1	2	1	26
Under 20 years	27	15	20	27	16	8	5	14	12	11	155
Under 30 years	21	20	22	28	26	7	12	14	16	15	181
Under 40 years	2	6	6	11	4	1	1	1	-	1	33
40-100 years	4	13	8	10	17	3	3	5	3	5	71
Total	54	59	60	83	67	20	24	35	33	33	468

2. Table of martyrs by mode of killing

Month	Plastic bullets	Live bullets	Gas	Torture	Crushing	Electro- cution	Assassi- nation	Abduc- tion	Burning	Drowning	Total
December 87	50	-	-	-	4	-	-	-	-	-	54
January 88	31	6	22	-	-	1	-	-	-	-	60
February 88	45	1	8	2	2	-	-	2	-	-	60
March 88	65	1	15	-	3	-	-	1	-	-	85
April 88	52	-	14	1	-	-	1	-	-	-	68
May 88	14	-	2	1	-	-	-	1	-	2	20
June 88	13	-	7	3	-	-	1	-	-	1	25
July 88	21	2	2	5	-	-	-	2	-	1	33
August 88	17	-	2	3	1	-	2	1	4	-	30
September 88	22	-	3	2	3	-	-	1	-	-	31
Total	300	10	75	17	15	1	4	8	4	4	488

3. Martyrs, October

Age	Total	Bullet	Gas	Crushing	Beating and torture
Under 10 years	3		3		
Under 20 years	16	13		2	1
Under 30 years	9	4	-	3	2
Under 40 years	6	3	1	-	2
Over 40 years	2	1	-	1	-

4. Martyrs, November 1988

Age	No.	Bullet	Gas	Beating	Crushing
Under 10 years	2	2	-	-	-
Under 20 years	7	7	-	-	1
Under 30 years	9	8	-	1	-
Under 40 years	7	1	-	-	-
Over 40 years	2	1	1	-	-
Total	27	18	1	1	1

Statistics for demolition of houses (November 1988)

	Number of houses	Date
1	18 House in the village of Tayyibah	1988/11/8
2	08 House in the Jiftlik-Nablus area	1988/11/11
3	08 Houses in the Gaza Strip	1988/11/11
4	05 House in the Ghirdiyah-Jerusalem area	1988/11/12
5	02 House in the village of Salfit	1988/11/11
6	01 House in the village of Sartah	1988/11/11
7	02 House in the village of Wadi Fukin (Bethlehem)	1988/11/12
8	05 House in Wadi al-Fari'ah (Nablus)	1988/11/12
9	08 Houses in the village of Aqrabaniyah	1988/11/11
10	04 Houses in the village of Nasraniyah	1988/11/11
11	01 House in the village of Abu al-Haija (Dora)	1988/11/11
12	04 Houses in the village of Azzun (Tulkarm)	1988/11/21
13	01 Farm in the village of Azzun (Tulkarm)	1988/11/21
14	01 House in the village of Ra's al-Fari'ah	1988/11/21

	Number of houses	Date
15	03 Houses in Tubas	1988/11/21
16	01 House in Yamun	1988/11/22
17	01 House in Jenin	1988/11/25
18	01 House in village of Saris (Jenin)	1988/11/25
19	02 House in village of Saris (Jenin)	1988/11/28
20	04 House in village of Khadr (Bethlehem)	1988/11/28
21	03 Houses in Jalazone camp	1988/11/28
22	01 House in Ramallah	1988/11/28
23	01 House in Abud (Ramallah)	1988/11/29
24	02 House in Hebron	1988/11/29
25	08 House in Jalazone zrea	1988/11/29
26		

6. List of Palestinian journalists under administrative detention

1. Salah Zahuqi, 37 years old, from Jerusalem, editor of Al-Sha'b newspaper. Detained in January 1987, spent six months in Ramallah prison, then detained again in September 1988.
2. Na'im Tubasi, 36 years old, from Hebron, correspondent of the newspaper Al-Sha'b at Ramallah. Detained in March 1987 for six months, served the term, released and detained again in November 1988. Now in Ansar detention camp.
3. Nabhan Karshah, 35 years old, from Tulkarm, correspondent of the newspaper Al-Fajr. Detained in February 1987 for six months, released and detained again in October 1988. Now in Ansar detention camp.
4. Taha al-Mutawakkil, 31 years old, President of the Arab Writers' League, from Qalqilya, editor of the newspaper Al-Awdah. Detained in February 1987 for six months, released and detained again in October 1988. Now in Ansar detention camp.
5. Majid Farraj, 24 years old, from Bethlehem, editor and correspondent at the Bethlehem Press Office. Detained in February 1987 and has been since then in Ansar detention camp.
6. Adnan al-Damiri, 32 years old, from Tulkarm, correspondent of the newspaper Al-Awdah before it closed down. Detained since March 1987. Now in Ansar detention camp.
7. Abdullah Awad, 36 years old, from Ramallah, member of the editorial board of Al-Bayadir al-Siyasiyah. Detained in the middle of 1987 and not yet released, accused of impairing State security and trade unionism. It is not known which prison he is in now.
8. Basim Safikhat, 26 years old, correspondent of the newspaper Al-Fajr, from Tulkarm. Detained on 2 March 1988. Now in Ansar detention camp.
9. Ahmad Tawatah, 32 years old, from Bayt Fakhkhar, correspondent of the Bethlehem Press Office. Detained in March 1988 and serving his term in Ansar detention camp.
10. Mahmud Rimahi, 42 years old, correspondent of the newspaper Al-Fajr, from Ramallah, a resident of the Jalazone refugee camp. Sentenced to five years prison because of security problems. Now in a prison near Nablus.
11. Musa Taradat, 38 years old, from Sa'ir near Hebron, correspondent of the newspaper Al-Fajr. Detained in June, released, then detained in October 1988. Still in Ansar detention camp.
12. Hani Abdullah, 40 years old, from Jerusalem, correspondent of the newspaper Al-Natiq before it closed down. Sentenced to three years imprisonment on a charge of impairing security in 1966. Still in Ansar detention camp.

13. Nayef Suwayta, 31 years old, from Jenin, correspondent of the newspaper Al-Fajr. Detained in Ansar camp since May 1988.
14. Hatim Abd al-Qadir, 34 years old, from Jerusalem, editor of Al-Fajr newspaper. Detained in May 1988, released, then detained again in October. Now in Beersheba detention centre.
15. Tabal Abu Afifi, 33 years old, from Shu'fat, editor of the newspaper Al-Fajr. Detained in June, then released and detained again less than a month later in July. Now in Ramallah prison.
16. Muhammed Abu Labdah, 35 years old, from Jerusalem, member of the editorial board of Al-Fajr, member of the administration of the Union of Palestinian Journalists. Detained in November for nine days, released and detained again. Now in Ansar detention camp.
17. Salah Al-Dayri, 38 years old, from Bethlehem, owner of the Bethlehem Press Agency. Detained in August 1988.
19. Musa Qaws, 30 years old, from Jerusalem. Detained in August 1988 and threatened with deportation. Detained in Ansar detention camp.
20. Rida Zawriyah, 30 years old, from Nablus, local press editor. Detained in October 1988. Now in Ansar detention camp.
21. Rizq Bayari, 28 years old, from Gaza, correspondent of the newspaper Al-Sha'b. Detained on 2 August 1988. Now in Ansar detention camp.
22. Jamal Faraj, 27 years old, from Dheisheh camp, worked in local journalism. Threatened with deportation, detained in August 1988. Now in Ansar detention camp.
23. Hasan Sarandah, 35 years old, from Jerusalem, correspondent of the newspaper Al-Sha'b. Detained in August 1988. Now in Ansar detention camp.
24. Hisham Abu Runa, 33 years old, from Tulkarm, correspondent of the newspaper Al-Fajr. Detained in Ansar detention camp since June 1988.

Note: With the exception of Abdullah Awad and Mahmud Rimahi, who had been brought to trial, the above are all under administrative detention.
