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# מדינת ישראל

משרדי הממשלה

שם: ועדת הארזים לזכויות האדם בשטחים

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מדינת ישראל  
ארכיון המדינה

5756/14

ג

מדינת ישראל  
משרדי הממשלה

מחלקה

פלמ"ק

Text of Resolution

The operative part of the resolution adopted this afternoon (document E/CN.4/L.1142, as modified slightly in today's discussion) is as follows (provisional text):

"The Commission on Human Rights,

"1. Notes with dismay the refusal of Israel to co-operate with the above-mentioned Working Group established by the Commission on Human Rights;

"2. Endorses the conclusions of the Working Group concerning:

"(a) the applicability of the Geneva Convention to all the occupied areas including occupied Jerusalem,

"(b) the existence of violations of the fourth Geneva Convention in the Israeli occupied territories;

"3. Condemns Israel's refusal to apply the Fourth Geneva Convention and its violation of the provisions of the said Convention, in particular the following violations:

"(a) the total or partial destruction of villages and cities in the occupied territories,

"(b) the establishment of Israeli settlements in the militarily occupied Arab territories,

"(c) the unlawful deportation and expulsion of civilian population,

"(d) the coercive acts to compel the civilian population under its military occupation to collaborate with the occupying Power against their will,

"(e) the abrogation of the national laws in occupied territories contrary to the Geneva Convention and the relevant resolutions of the Security Council and the General Assembly,

"(f) all policies and measures of collective punishment;

"4. Deplores all policies and actions aiming at the deportation of the Palestinian refugees from the occupied Gaza Strip;

"5. Expresses its grave concern over the:

"(a) use of means of coercion to extract information and confession in violation of the relevant provisions of the Convention;

"(b) ill-treatment and killing of civilians without provocation,

"(c) detention of people by virtue of administrative orders for periods that are automatically renewed ad infinitum,

"(d) deprivation of those detainees of any guarantee concerning the length of detention and fair trial,

"(e) deprivation of the accused persons of having counsel of their choice, and the prevention of the counsel, in the cases where a counsel was chosen, from discharging their duties satisfactorily,

"(f) the destruction and usurpation of movable and immovable property;

(more)

*Related Files*

"6. Calls upon the Government of Israel once more to strictly observe the Geneva Convention in the occupied territories;

"7. Further calls upon Israel to immediately:

"(a) rescind all measures and desist forthwith from taking any action prejudicial to the national laws, systems and practices in the occupied territories,

"(b) refrain from establishing settlements in the occupied territories,

"(c) cease immediately from compelling the inhabitants of the occupied territories to collaborate with the Israeli occupying authorities,

"(d) ensure the immediate return of deported and transferred persons to their homes without any formalities the fulfilment of which would render their return impossible,

"(e) refrain from demolishing houses in contravention of the relevant provisions of the Geneva Conventions,

"(f) restore the property confiscated or otherwise taken from its owners in contravention of the provisions of the Convention;

"8. Also calls upon Israel to desist henceforth from deporting the Palestinian civilians from the Gaza Strip;

"9. Commends the Special Working Group for its work and decides that the Working Group should continue to investigate and report the Israeli violations of the fourth Geneva Convention which occur in the militarily occupied Arab territories since the outbreak of hostilities and to examine in particular:

"(a) the evidence concerning the cases of torture taking place in the Israeli prisons against the prisoners of the occupied territories,

"(b) other cases of violation of the fourth Geneva Convention in the occupied territories which it did not yet investigate including those that took place during the period investigated by the Group,

"(c) the establishment of settlements in the occupied territories in contravention of the provisions of the said Convention;

"10. Invites Israel to receive the Special Working Group to co-operate with it and to facilitate the task of the Special Working Group in carrying out its mandate as specified in the preceding paragraph;

"11. Decides to continue to include the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-seventh session [in 1971];

"12. Requests the Secretary-General to give the widest publicity to the entire report and to report on the publicity given to the twenty-seventh session;

"13. Further requests the Secretary-General to bring the report of the Special Working Group, together with this resolution, to the attention of the General Assembly, the Security Council and the Economic and Social Council."

(more)

Roll-Call Vote

The results of the roll-call vote on the resolution, requested by Iraq, were as follows:

In favour: India, Iran, Iraq, Lebanon, Mauritania, Morocco, Poland, Turkey, Ukraine, USSR, United Arab Republic, Yugoslavia.

Against: None.

Abstaining: Austria, Chile, Democratic Republic of the Congo, Finland, France, Ghana, Guatemala, Jamaica, Madagascar, Netherlands, New Zealand, Philippines, United Kingdom, United States, Uruguay, Venezuela.

Absent: Peru.

The representatives of Israel, Senegal and the United Republic of Tanzania said that their delegations were not participating in the vote.

Debate on Resolution

Before the vote, the Commission concluded its general debate on the item, hearing the representatives of the Philippines, the United Arab Republic and Mauritania, as well as the observer from the World Federation of Trade Unions (WFTU), a non-governmental organization in consultative status with the Economic and Social Council.

Marc Schreiber, Director of the United Nations Division of Human Rights, informed the Commission of the financial implications of the five-Power draft resolution.

After the vote, the representatives of Chile, Venezuela, Uruguay, the Democratic Republic of the Congo, Jamaica, Mauritania, the United Republic of Tanzania and Senegal explained their votes or their positions with regard to the item as a whole.

EMILIO D. BERJASA (Philippines) said he had asked for the floor to express the concern of his Government for the civilian population unfortunately caught in the turbulence of the protracted hostilities in the Middle East. His delegation was not unmindful of the political undertones of the problem. However, to its disappointment, not all delegations that had spoken on the matter had resisted the temptation to emphasize the political aspect of the confrontation in the Middle East.

(more)



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



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20 February 1970  
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COMMISSION ON HUMAN RIGHTS  
Twenty-sixth session  
Item 5 of the provisional agenda

REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS ESTABLISHED  
UNDER RESOLUTION 6 (XXV) OF THE COMMISSION ON HUMAN RIGHTS  
(continued)

Annexes

I. TEXTS OF SOME PROCLAMATIONS AND ORDERS OF THE ISRAELI  
ARMY COMMAND IN THE OCCUPIED TERRITORIES\*

\* Translated by the United Nations Secretariat.

70-03429

/...

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Annex I

TEXTS OF SOME PROCLAMATIONS AND ORDERS OF THE ISRAELI ARMY  
COMMAND IN THE OCCUPIED TERRITORIES

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A. GOLAN HEIGHTS REGION

Proclamation No. 1<sup>1/</sup>

Proclamation concerning the Assumption of Government by the  
Israel Defence Force (Golan Heights)

Entry of  
IDF

1. The Israel Defence Force has this day entered the Region and has taken over control and the maintenance of security and public order in the Region.

Curfew

2. I hereby declare a curfew throughout the Region. No one may leave his house at any hour of the day or night.

Vital needs

3. The inhabitants will be able to provide for their vital needs in the vicinity of their fixed abode at times to be made known by special announcement.

Movement

4. The movement of vehicles is prohibited.

Assembly

5. It is prohibited to assemble in the streets or other public places.

Identity  
Document

6. Everyone shall carry with him at all times a document which bears his photograph and permits him to be identified.

Services

7. The essential services in the Region shall function normally in accordance with instructions given on my behalf.

Penalties

8. Any <sup>person</sup> ~~person who~~ <sup>violating</sup> ~~violates~~ these instructions shall be punished with the full severity of the law and anyone ~~who~~ <sup>stopped</sup> attempts to violate security shall be repressed at once. The soldiers of the IDF shall ensure scrupulous compliance with these instructions.

20 June 1967

The Commander of the  
IDF in the Region

<sup>1/</sup> "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 4.



Proclamation No. 2<sup>2/</sup>

Proclamation concerning Law and Administration

In order to make possible the maintenance of <sup>orderly</sup> regular government, security and public order I hereby ~~make known~~ <sup>declare</sup> the following:

Definition

1. In this proclamation "Region" means the Region of the Golan Heights. <sup>West Bank</sup>

Force of existing law

2. The law in force in the Region on <sup>EXISTING</sup> ~~10~~ June 1967 will remain in force, in so far as it does not conflict with this Proclamation or any other proclamation or order issued by me, and with the modifications resulting from the establishment of <sup>1 OF</sup> government ~~by~~ <sup>by</sup> the ~~Israel Defence Force~~ in the Region.

Assumption of authority

3. (a) All governmental, legislative, appointive and administrative authority with respect to the Region or its inhabitants shall henceforth vest in me alone and shall be exercised solely by me or <sup>anyone</sup> by whoever shall be appointed by me for the purpose or shall <sup>act</sup> on my behalf.

(b) Without prejudice to the ~~general provisions above~~, it is hereby laid down that any obligation of consultation, approval or the like <sup>prescribed by</sup> ~~required under~~ any law whatever as a prerequisite for legislation or appointments or as a condition for the validity of legislation or appointments is hereby abolished.

Provisions concerning property

4. Movable and immovable property, including money, bank accounts, arms, ammunition, vehicles, <sup>and other transportation</sup> communication equipment, and all other military and civilian equipment which belonged to or was registered in the name of the <sup>Hashemite Jordan</sup> Syrian State or Government or one of its units or of its branches or a part of <sup>thereof</sup> its units or branches and which are situated in the Region shall be handed over to me and shall be under my control.

2/ "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, pp. 5, 6.

/...

*Levies, Fees*

Taxes 5. Taxes, duties, ~~debts~~ and payments of any kind whatever payable to institutions of the central government which were not paid by ~~the~~ June 1967, shall be paid to me.

OF  
ENACTMENTS

Publication 6. Proclamations, orders or announcements made on my behalf shall be published in any way considered appropriate by me.

Offences 7. Any person who violates or attempts to violate public order and security, or <sup>any</sup> one of the provisions of this Proclamation or an order, <sup>direction</sup> instruction or announcement <sup>issued</sup> made by me or on my behalf shall be punished with all the severity of the law.

Commencement 8. This Proclamation shall come into force on <sup>7</sup> 18 June 1967.

Title 9. This Proclamation shall be known as "Proclamation concerning Law and Administration (Golan Heights) (No. 2), 1967".

18 June 1967

*West Bank Region*

David Elazar, *דוד אלעזר*  
Colonel Commanding the  
Israel Defence Force in the  
Region of the Golan Heights.

*W. B.*

/...

Proclamation No. 3<sup>3/</sup>

Proclamation relating to the Entry into Force of  
the Order concerning Security Instructions

In order to make possible the maintenance of <sup>orderly</sup> regular government and to <sup>Preserve</sup> ensure security and public order, I hereby <sup>Declassify</sup> make known the following:

Order concern-  
ing Security  
Instructions

1. The Order concerning Security Instructions signed by me, <sup>deposited in the office of Military Commander for supervision of company</sup> copies of which have been given to all local authorities, shall come into force on 18 June 1967.

Commencement

2. This <sup>Order 7</sup> Proclamation shall come into force on <sup>7</sup> 18 June 1967.

Title

3. This Proclamation shall be known as "Proclamation relating to the entry into force of the Order concerning Security Instructions (~~Golan Heights~~) (No. 3), 1967".

<sup>7</sup>  
18 June 1967

WEST BANK REGION

David Elazar,  
Colonel Commanding the  
Israel Defence Force in the  
Region of the Golan Heights.

21320  
WEST BANK

3/ "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 6.

Order No. 1

Order concerning Closed Areas<sup>5/</sup>

By virtue of my authority under articles 2 (2) and 70 of the Order concerning Security Instructions [see Annex to Proclamation No. 3 already translated - DG], I hereby order as follows:

- |                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Closed area          | 1. The area of the GOLAN HEIGHTS is declared a closed area.                                                                                                                      |
| Prohibition of entry | 2. No person shall enter the Region of the GOLAN HEIGHTS from a region outside it without a permit issued by me or by the military commander of the Region of the Golan Heights. |
| Penalty              | 3. A person who violates the provisions of article 2 shall be liable to a penalty of imprisonment for five years.                                                                |
| Entry into force     | 4. This Order shall enter into force on the day of its signature.                                                                                                                |
| Title                | 5. This Order shall be known as "Order concerning Closed Areas (Golan Heights) (No. 1) - 1967".                                                                                  |

18 June 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

<sup>5/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 38.

/...

Order No. 2

Order concerning Prohibition of Looting<sup>6/</sup>

By virtue of my authority as IDF Commander in the Region, I hereby order as follows:

Prohibition  
of Looting

1. Any person who loots, or breaks into a house, or other place, for the purpose of looting, or who knowingly aids and abets looting, shall be liable to a penalty of imprisonment for life.

Entry into  
force

2. This Order shall enter into force on 18 June 1967.

Title

3. This Order shall be known as "Order concerning Prohibition of Looting (Golan Heights) (No. 2) - 1967".

18 June 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

<sup>6/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 40.

Order No. 5

Order concerning Establishment of Military Court<sup>7/</sup>

By virtue of my authority as IDF Commander in the Region of the Golan Heights, and in accordance with article 5 of the Order concerning Security Instructions, I hereby establish a military court in the Region of the Golan Heights.

21 June 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

<sup>7/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 44.

/...

Order No. 3

Order concerning Jurisdiction in Criminal Offences<sup>8/</sup>

Whereas I deem this necessary for the maintenance of normal government and for the security of the IDF, I do hereby order as follows:

Judging of  
criminal  
offences

1. (a) In addition to the judicial powers given to the military courts which are established in accordance with the provisions of the Order concerning Security Instructions [see annex to Proclamation No. 3 already translated - DG], the said military courts shall be competent to judge any offence against a law of the Region which was in force immediately prior to the entry of the IDF into the Region, provided that the law was in force on the day the offence was committed, irrespective of whether it was committed before or after the IDF entered the Region.

(b) In this connexion, the provisions of the Order concerning Security Instructions and the powers provided for therein shall apply as if the offence against the laws of the Region were an offence against the said Order.

(c) If a person is convicted of an offence as described in paragraph (a) above, the military court shall be competent to impose a penalty which is not greater than that which an ordinary court of the Region would have been competent to impose in the case of conviction, provided that there is not some other provision concerning legislation which has been published by me.

<sup>8/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 48.

Entry into  
force

2. This Order shall enter into force on 30 June 1967.

Title

3. This Order shall be known as "Order concerning  
Jurisdiction in Criminal Offences (Golan Heights) (No. 8) -  
1967".

30 June 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights



Order No. 11

Order concerning Security Instructions (Amendment No. 1)<sup>2/</sup>

Substitution  
for  
article 44

1. In the Order concerning Security Instructions appearing as an annex to the Proclamation relating to Security Instructions (Golan Heights) (No. 3) - 1967 [already translated - DG] (hereinafter referred to as the principal order), article 44 shall be replaced by the following:

"Sabotage and  
causing  
death

(1) A person who intentionally causes the death of another or who commits sabotage in an IDF installation shall be liable to the penalty of death or to another penalty as the court shall direct.

(2) The court shall not impose the death penalty on a defendant who was under the age of eighteen years at the time the offence was committed."

Amendment of  
article 71

2. In article 71 of the principal order, after the words "a person who commits an offence against the provisions of this Order" there shall be inserted the words "or who fails to comply with an instruction or obligation laid down in a proclamation or order of the Regional Commander or of a military commander".

Entry into  
force

3. This Order shall enter into force on the day it is issued.

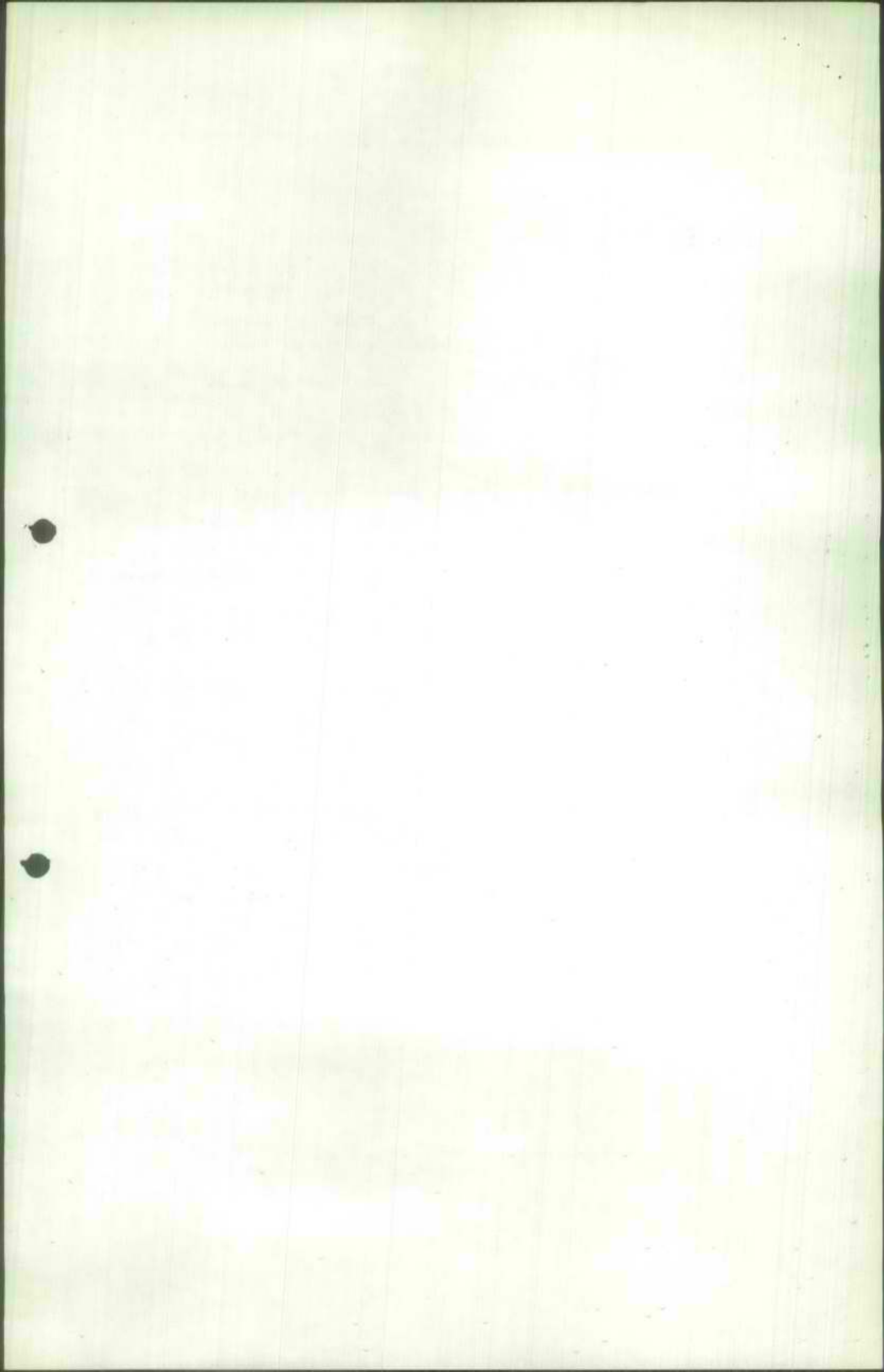
Title

4. This Order shall be known as "Order concerning Security Instructions (Golan Heights) (Amendment No. 1) (Order No. 11) - 1967".

3 July 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

<sup>2/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 52.



Order concerning Security Instructions

Order concerning Establishment of Advisory Committee<sup>10/</sup>

By virtue of my authority under articles 2 (2) and 67 (4) of the Order concerning Security Instructions [see annex to Proclamation No. 3 already translated - DG], I hereby order as follows:

Establishment  
of Advisory  
Committee

1. An advisory committee (hereinafter referred to as the Committee) shall be established composed of three persons whose chairman shall be a military judge from the list of judges appointed in respect of article 43 of the Order concerning Security Instructions and whose functions shall include the examination of any appeal with respect to an order of administrative detention issued under article 67 (1) of the Order concerning Security Instructions.

Composition  
of Com-  
mittee

2. I hereby appoint the officers designated below as members of the Committee:

- (1) Captain David Solomonov, Judge, Chairman of the Committee;
- (2) Major Joseph Alon, Member;
- (3) Major Yedidiah Argman, Member.

Powers of  
Committee

3. The powers of the Committee are specified in article 67 (4) of the Order concerning Security Instructions.

Address and  
meeting-  
place of  
Committee

4. The address of the Committee and its meeting-place shall be: Region of Golan Heights, Military Government House, Kuneitra.

<sup>10/</sup> Published in "Proclamations, Orders and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 54.

Entry into  
force

5. This Order shall enter into force on the day it is issued.

Title

6. This Order shall be known as "Order concerning Establishment of Advisory Committee (Golan Heights) (No. 12) - 1967".

4 July 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

Order No. 13

Order concerning Movement and Curfew<sup>11/</sup>

Whereas I deem this necessary for the maintenance of public order and security in the Region, I do hereby order as follows:

- |                         |                                                                                                                                                                                                                                                     |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Curfew                  | 1. No person shall remain outside the walls of his abode between the hours of 6 p.m. and 5 a.m. of the following day except with a written authorization issued by me, or on my behalf, and in accordance with the terms of that authorization.     |
| Prohibition of assembly | 2. Assembling in the streets or public places is prohibited.                                                                                                                                                                                        |
| Identity documents      | 3. Every person shall carry with him at all times an official document which bears his photograph and permits him to be identified.                                                                                                                 |
| Penalties               | 4. A person who violates the provisions of this Order, or who infringes any of the terms of an authorization permitting movement during the hours of the curfew, shall be liable to imprisonment for five years, or to a fine of IL 1,000, or both. |
| Entry into force        | 5. This Order shall enter into force on the day it is issued.                                                                                                                                                                                       |
| Title                   | 6. This Order shall be known as "Order concerning Curfew and Movement (Golan Heights) (No. 13) - 1967".                                                                                                                                             |

4 July 1967

David Elazar,  
Colonel Commanding the  
Israel Defence Force  
in the Region of the  
Golan Heights

<sup>11/</sup> Published in "Proclamations, Orders, and Announcements of the IDF Command in the Region of the Golan Heights", No. 1, 8 February 1968, p. 56.

/...

Order No. 18

Order concerning Land Transactions (dated 11 July 1967)<sup>12/</sup>

(Summary)

No land transactions may take place without the permission of an official appointed by the Regional Commander. Transactions without such permission shall be null and void and without legal effect, and punishable by five years imprisonment or a fine of £1 15,000 or both.

<sup>12/</sup> Ibid., p. 62.

Order No. 13

Order concerning Abandoned Private Property  
(dated 20 July 1967) 13/

(Summary)

A custodian is appointed to look after property whose owners have left the region. The order provides that the custodian will hand back the property if the owner returns together with any income from it, subject to deduction of administrative costs.

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13/ Ibid., pp. 66-70.

B. WEST BANK REGION

Order No. 58

Order concerning Abandoned (Private) Property<sup>14/</sup>

Whereas I deem this necessary for the needs of normal government and public order, I do hereby order as follows:

Definitions

1. In this Order-

- (a) "Region" means the Region of the West Bank.
- (b) "Custodian" means the Custodian of Abandoned Property to be appointed in accordance with this Order.
- (c) "Date of reference" means 7 June 1967.
- (d) "Movable property" means any kind of property other than immovable property.
- (e) "Immovable property" means any sort of land regardless of the manner of its possession, any structure, tree or other thing affixed to land, any part of a sea, shore or river, and any right of enjoyment or beneficial mortgage with respect to land, water or what is on the surface thereof.<sup>15/</sup>
- (f) "Property" includes movable and immovable property, money, securities, present or future claim on property, goodwill, and any right in an association, or in its administration, constituting private property.
- (g) "Abandoned property" means property whose legal owner or lawful possessor left the Region before the date of reference, on the date of reference or thereafter, leaving behind the property in the Region, except that property possessed by a

<sup>14/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank" No. 5, 15 November 1967, p. 158. This is the translation of the Hebrew text of Order No. 58, previously mentioned in the "Summary of Contents" of West Bank Gazette No. 5.

<sup>15/</sup> Amendment No. 1 to the corresponding order for Golan Heights adds at this point the words "as well as minerals".



person who is not the owner shall not be regarded as abandoned property unless both the owner and the possessor are absent from the Region.

(h) "Private property" means any property not owned by the State which ruled the Region before the date of reference.

(i) "Financial year" means the year beginning on 1 April of a given year and ending on 31 March of the following year.

(j) "Corporate body" means a company, corporation or association of persons whether or not legally incorporated.

Appointment  
of Custodian

2. The Regional Commander shall appoint a Custodian of Abandoned Property.

Powers

3. (a) The Custodian shall have legal personality and may enter into contracts, take over and manage property, rent and let property, and acquire and dispose of movable property.

(b) Without prejudice to the generalities above, the Custodian may

(1) appoint inspectors of abandoned property and transfer to an inspector any of his powers except the power to appoint inspectors;

(2) appoint agents to manage abandoned property and establish and pay remuneration for their services;

(3) appoint other officials and employees.

Conveyance  
of abandoned  
property to  
Custodian

4. (a) All abandoned property is conveyed to the Custodian as from the time at which it becomes abandoned property, and the Custodian is empowered to take possession of it, and to adopt any measures he deems necessary in order to do so.

(b) All rights which an owner or possessor had in abandoned property automatically pass to the Custodian at the time of conveyance of the abandoned property; the authority of the Custodian is the same as that of the owner of the abandoned property.

(c) Ignorance of the identity of the owner or the possessor of the property does not prevent the property from being abandoned property.

- Handover of abandoned property 5. A person in control of abandoned property is under a duty to hand it over to the Custodian.
- Abandoned property of corporate body 6. Property which is owned or possessed by a corporate body shall be regarded as abandoned property subject to the provisions of article 4, if all of the partners, directors or administrators of the corporate body, as the case may be, have left the Region.
- Treatment of produce of abandoned property 7. The produce of abandoned property shall be regulated in the same way as the abandoned property which produces it.
- Care of abandoned property 8. (a) The Custodian shall take care of the abandoned property personally or through others with his written approval, for the purpose of ensuring the greatest possible protection of the abandoned property, or its full equivalent, on behalf of the owner or the possessor, as the case may be.  
(b) The Custodian may, personally or through others with his written approval, make any expenditures or investments necessary for the protection of the abandoned property, including the costs of maintaining, storing, transporting, repairing or developing the property, or for similar purposes.
- Sale of abandoned property 9. (a) The Custodian may sell abandoned property which is movable or the produce of abandoned property, if in the circumstances he finds that only such action will ensure under favourable conditions that the owner, or person in lawful possession of the property, will receive compensation for the value of his interest in the property.  
(b) The proceeds of the sale shall be placed in safe deposit by the Custodian, so as to enable him to fulfil the provisions of article 13 (a) below.
- Legitimacy of transactions 10. Any transaction entered into in good faith between the Custodian and another person with respect to property which the Custodian believed at the time of the transaction to be conveyed property shall not be annulled and shall remain valid even if it is shown that the property had not been conveyed at the time.
- Keeping of record 11. (a) The Custodian shall keep a full record of all property which comes into his possession.

/...

- (b) The record shall include:
- (1) the name of the owner of the abandoned property if known;
  - (2) the date the property was taken over and the condition of the abandoned property at that time;
  - (3) the steps taken to look after the property;
  - (4) in the case of movable property: the place where it was received or found and the place where it is stored;
  - (5) in the case of sale of movable property: the proceeds and the place where the proceeds are deposited;
  - (6) all expenditure and income relating to the abandoned property.

Annual  
report

12. Once a year and not later than six months after the end of the financial year, the Custodian shall present a report on his activities to the Regional Commander. This is without prejudice to the authority to request additional reports.

Restoration  
to owner or  
possessor

13. (a) If a person who was the owner or the lawful possessor of the abandoned property returns to the Region and proves his ownership of the abandoned property or his right to be in possession thereof, as the case may be, the Custodian shall transfer the property or the proceeds to him and thereupon such property shall cease to be abandoned property and all rights which that person enjoyed in such property immediately prior to its conveyance to the Custodian shall be restored to him or to whoever replaces him.

(b) At the time the property ceases to be abandoned property, the Custodian may collect compensation for his expenses in an amount which shall not exceed a percentage of the value of the property as determined in an order of the Regional Commander.

Penalties

14. (a) A person who misappropriates abandoned property or fails to hand over abandoned property to the Custodian shall be liable to imprisonment for five years or a fine of £1 10,000 or both.

(b) A person who interferes with the activities of the Custodian shall be liable to imprisonment for two years or a fine of £1 5,000, or both.

/...

(c) Nothing in this article shall prevent the prosecution or conviction of a person for a different offence if his act constitutes an offence under a proclamation or another order of the Regional Commander, except that criminal responsibility shall not be entailed twice for the same act or omission.

Entry into force 15. This Order shall enter into force as from 23 July 1967.

Title 16. This Order shall be known as "Order concerning Abandoned (private) Property (West Bank) (No. 58), 1967".

23 July 1967

Uzi Narkis,  
Colonel, Commanding the  
Israel Defence Forces  
in the Region of the  
West Bank.

/...

Order No. 150

Order concerning Abandoned (Private) Property  
(Supplementary Provisions) (No. 1) 16/

Whereas I deem this necessary for the needs of normal government and public order and to safeguard the rights of the individual, I do hereby order as follows:

Definitions

1. (a) In this Order  
"principal order" means the Order concerning Abandoned (Private) Property (West Bank) (No. 58), 1967;<sup>17/</sup>  
"enemy" has the meaning given it in the Order concerning Government Property (West Bank) (No. 59), 1967.<sup>18/</sup>  
(b) An expression which is defined in the principal order has the meaning it has in the principal order unless there is a provision in this Order which gives it a different meaning.

Explanatory provisions

2. In order to prevent any misunderstanding and without prejudice to the generality of the definitions contained in the principal order, it is hereby explained that the rights specified below are included in abandoned property:

- (1) the right of tenancy, where the tenant has left the Region as stated in article 1 of the principal order;
- (2) the right to rent living quarters, where the landlord has left the Region as stated in article 1 of the principal order;
- (3) rights in a corporate body, including rights as a share-holder or bond-holder, where the person having such rights has left the Region as stated in article 1 of the principal order.

<sup>16/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 8, 29 December 1967, p. 311.

<sup>17/</sup> See English translation of Order No. 58.

<sup>18/</sup> Order No. 59 contains a definition not of "enemy" but of "enemy State" as follows: "'Enemy State' means The Hashemite Kingdom of Jordan, or any other enemy State, including the Government of the State, and any unit, mission, authority or corporate body of the State or Government."

Duty to make  
declaration  
concerning  
property :

3. (a) A person or association of persons in possession of, or managing or enjoying property which has been conveyed<sup>19/</sup> shall submit to the Custodian, within 30 days from the entry into force of this article, a written declaration containing details concerning the conveyed property; and if the person or association commenced the possession, management or enjoyment of the property, without the approval of the Custodian, after the entry into force of this article, within 30 days after such possession, management or enjoyment commenced; and if the property became conveyed property after the entry into force of this article, within 30 days after it is conveyed.
- (b) A company registered in the Region or operating in the Region or having an office in the Region for the transfer or registration of shares shall, within 30 days from the entry into force of this article, submit a written declaration to the Custodian containing full details of all securities (including shares, undistributed shares, bonds and certificates of indebtedness) issued by the company and registered in the name of a person who has left the Region as stated in article 1 of the principal order and whether they are being held on his behalf or are in his possession; and if securities are associated, as indicated above, with a person who leaves the Region after the entry into force of this article, the company shall submit the said declaration to the Custodian within 30 days after the day he leaves the Region.
- (c) An economic association<sup>20/</sup> having among its associates a person who has left the Region as stated in article 1 of the principal order shall be under a duty, as shall each of its associates, to submit to the Custodian, within 30 days from the date of entry into force of this article, a written declaration

19/ i.e., taken over by the Custodian as provided in the principal order - translator.

20/ i.e., co-operative, partnership etc. - translator.

containing full details concerning the share in the association of each associate that has left the Region and his other rights with respect to the association and his associates, and if an associate leaves the Region after the date of entry into force of this article, the association shall be under a duty, as shall each of the associates, to submit the said declaration within 30 days after the associate leaves the Region.

(d) Any person required under this article to submit a written declaration to the Custodian is also required to furnish him from time to time with reports, accounts and other documents or information, relating to the property in respect of which there is a duty to submit a declaration, as the Custodian may from time to time request.

(e) If the Custodian requests a person to furnish him, within the time specified in a notification, with reports, accounts or other documents or information, as stated in paragraph (d) above, that person shall be under a duty to comply with whatever is stated in the notification.

Corporate body controlled from enemy country

4. If the Custodian is convinced that the control of a corporate body or an association having property in the Region is in the hands of elements operating in an enemy country, he may take possession and assume the management of the said property, as if it were abandoned property.

Treatment of property of enemy resident

5. The property of a resident of an enemy country who is not in the Region shall be treated in the same way as abandoned property.

Burden of proof

6. A person who claims a right to ownership or lawful possession of property shall bear the burden of proof.

Deposit of monies by Custodian

7. The Custodian shall deposit all the income from property, and all other monies coming into his possession by virtue of his duties and powers in accordance with the provisions of article 9 of the principal order.

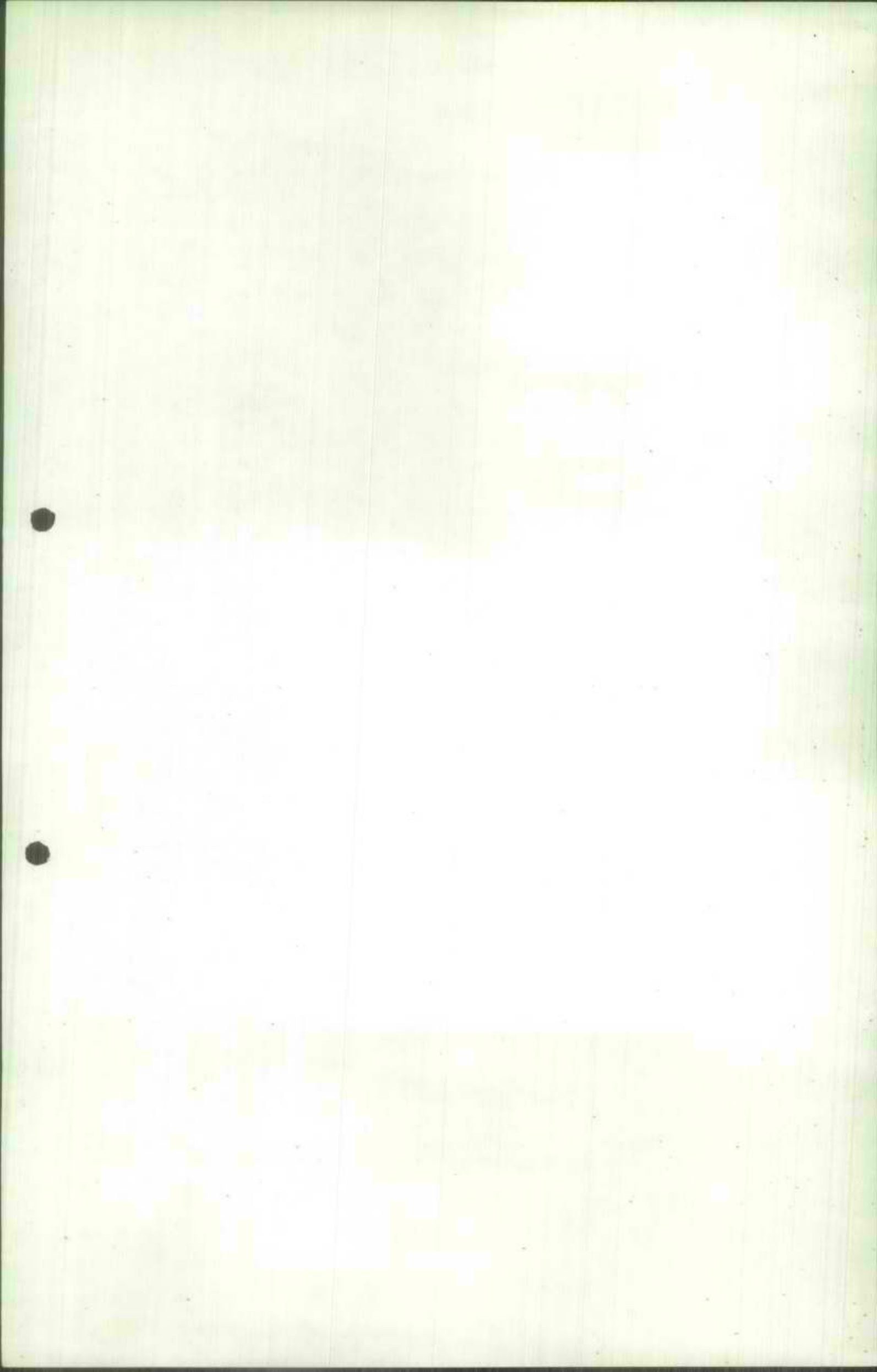
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- Entry into force      8.    (a) This Order, with the exception of article 3, enters into force as from the entry into force of the principal order.  
                              (b) Article 3 shall enter into force on 3 November 1967.
- Title                    9.    This Order shall be known as "Order concerning Abandoned (Private) Property (Supplementary Provisions) (No. 1) (West Bank) (No. 150), 1967".

23 October 1967

Uzi Narkis,  
Colonel, General Staff  
and Commander of the  
Israel Defence Force in the  
Region of the West Bank.





Order No. 64

Order concerning Security Instructions (Amendment No. 5)<sup>21</sup>/\*

By virtue of my authority as IDF Commander in the Region of the West Bank, I hereby order as follows:

Additional  
article  
54 A

1. The following shall be inserted after article 54:

"Disturbance, 54 A (1) Any person who behaves in an  
insults and insulting manner towards an IDF authority  
threats in the Region on one of its symbols, or

(2) Any person who threatens another  
or insults him in a manner liable to disturb  
the peace and public order, shall be guilty  
of an offence against this Order."

Entry into  
force

2. This Order shall enter into force as from 8 August 1967.

Title

3. This Order shall be known as "Order concerning Security  
Instructions (West Bank) (Amendment No. 5) (Order No. 64) -  
1967".

8 August 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander of  
the Region of the West Bank

12/ Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 5, 15 November 1968, p. 172.

\* The text of the Security instructions applicable to the West Bank Region is not so far available. It seems, however, that it is similar to that applicable to the Golan Heights (see under section A above).

/...

Order No. 66

Order concerning Protection of Holy Places<sup>22/</sup>

Whereas I deem this necessary for the needs of normal government and military order, I hereby order as follows:

Protection of Holy Places

1. The Holy Places<sup>23/</sup> shall be protected from desecration and any other disturbance and from anything that is prejudicial to freedom of access of followers of a religion to the places sacred to them, or anything offensive to their sentiments regarding such places.

Offences and penalties

2. (a) A person who desecrates a Holy Place or disturbs it in any other way shall be liable to imprisonment for seven years.  
(b) A person who does anything that is prejudicial to freedom of access of followers of a religion to the places sacred to them or anything offensive to their sentiments regarding such places shall be liable to imprisonment for five years.

Legal safeguard

3. This Order is supplementary to and without prejudice to any other law or regulation.

Entry into force

4. This Order shall enter into force on 10 August 1967.

Title

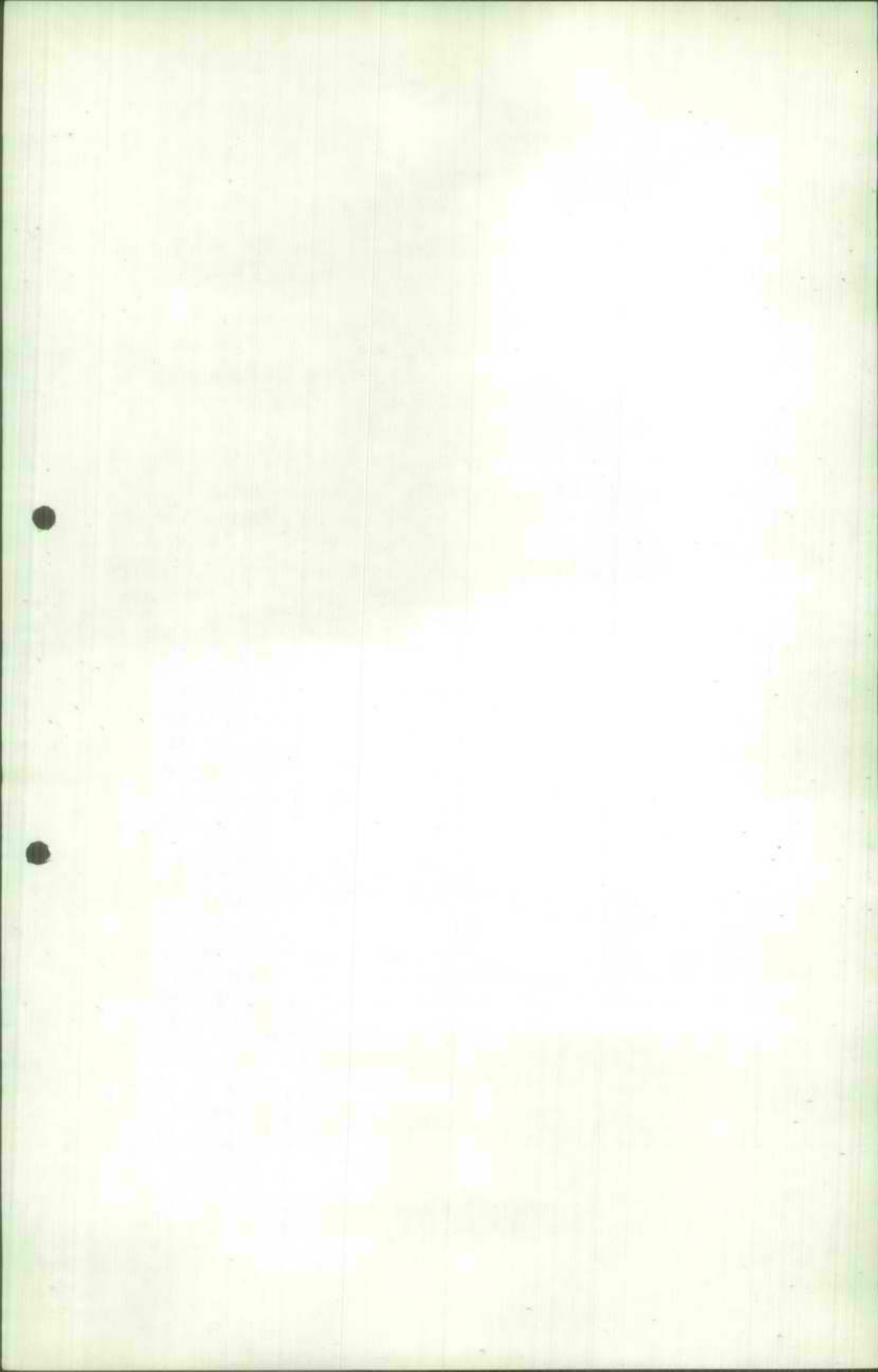
5. This Order shall be known as "Order concerning Protection of Holy Places (West Bank) (No. 66) - 1967".

10 August 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander in  
the Region of the West Bank

<sup>22/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 5, 15 November 1968, p. 175.

<sup>23/</sup> The wording of this Order is almost identical with the text of a law adopted by the Knesset on 27 June 1967 (Laws of the State of Israel, No. 499, 28/VI/67, p. 75).



Order No. 143

Order concerning the Defence in a Military Court<sup>24/</sup>

By virtue of my authority as IDF Commander in the Region of the West Bank and in order to ensure justice and the effective administration of justice, I hereby order as follows:

Definitions

1. In this Order -

"Military court" means a military court established in accordance with article 6 of the Order concerning Security Instructions. "Law" means an act of legislation of a legislative body which was in force on the day prior to the determining date, including any regulation made on the strength of such act of legislation. "Determining date" means 7 June 1967. "Lawyer" means a local lawyer or an Israel lawyer. "Israel lawyer" means a person authorized by the legislation of Israel to practice as a lawyer. "Local lawyer" means a person authorized by law to practice as a lawyer.

Defence in a military court

2. A person charged before a military court has the right to choose as his defence counsel a local lawyer or an Israel lawyer, or to conduct his own defence.

Appointment of defence Counsel by military court

3. (a) Where a defendant does not have defence counsel and if he agrees, the military court may appoint a lawyer or an officer with legal training to act as his defence counsel, provided either of the following conditions is present:

- (1) he is charged with murder or some other serious offence;
- (2) he is deaf, dumb or blind.

<sup>24/</sup> Published in "Proclamations, Orders and Appointments" of the IDF Command in the Region of the West Bank, No. 8, of 24 December 1967, p. 143

/...

(b) The military court must appoint such defence counsel if the defendant is charged with an offence whose maximum penalty is death and he agrees to the appointment.

(c) An Israel lawyer shall not be appointed as defence counsel, unless he agrees.

Duties of defence counsel appointed by military court

4. A defence counsel appointed by a military court shall represent the defendant in all proceedings before the court.

Cessation of representation by defence counsel

5. A defence counsel appointed by the defendant himself or named by the court shall not cease to represent the defendant so long as the trial for which he was appointed continues, except with the permission of the court.

Reservation as regards appointment of defence counsel

6. Where the military court has given a defence counsel permission to cease to represent the defendant by reason of lack of co-operation with his defender, the military court may, article 3 notwithstanding, refrain from appointing another defender if it sees that it is useless to do so.

Changing of defence counsel

7. If the defendant appoints a defence counsel to replace a defender named by the military court or previously appointed by him, the military court shall not refuse to give the previous defence counsel permission to cease to represent the defendant, unless it sees that the changing of defence counsel will necessitate an unreasonable delay in the trial.

Defence costs

8. Where a defence counsel has been appointed by the military court, the defence costs including the costs and remuneration of the defender and the witnesses, shall be paid by one of the authorities of the Region, including a local authority, as the Commander of the Region shall direct.

Prohibited remuneration

9. A defence counsel appointed by the military court shall not accept from the defendant or another person any remuneration, fee, gift or other favour.

/...

Interpreter  
for  
defendant

10. If a defendant does not understand Hebrew, the court shall appoint an interpreter to translate for him what is said during the proceedings and what is decided by the court, unless the defendant voluntarily dispenses with translation, in whole or in part. The defendant shall have the right to object to the interpreter and to request that he be changed.

Entry into  
force

11. This Order shall enter into force on 8 October 1967.

Title

12. This Order shall be known as "Order concerning the Defence in a Military Court" (West Bank) (No. 143) - 1967.

8 October 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander in  
the Region of the West Bank

/...

Order No. 144

Order concerning Security Instructions (Amendment No. 9)<sup>25/</sup>

By virtue of my authority as IDF Commander in the Region of the West Bank, I hereby order as follows:

Replacement  
of  
article 35

1. In the Order concerning Security Instructions annexed to the Proclamation relating to the Entry into Force of the Order concerning Security Instructions (West Bank) (No. 3) - 1967 (hereinafter referred to as the principal Order),<sup>26/</sup> replace article 35 by the following text:

"Period of detention 35. If a military court sentences a convicted person to imprisonment, any period during which that person was subjected to detention in connexion with the same offence prior to the sentence shall be included in the term of imprisonment."

Amendment of  
article 39

2. In article 39 (1) (c), replace the words "and mitigate the penalty or suspend it", by the words: "pardon the convicted person or mitigate the penalty, in whole or in part, by reducing it, altering it or making it conditional. For the purposes of this Order, a fine shall be regarded as a lighter penalty than any term of imprisonment".

Replacement  
of  
article 42

3. Replace article 42 by the following text:

"Penalties 42 (a) (1) If a person is found guilty of an offence before a military court, the court may, subject to the provisions of article 43 (3) (b) below, sentence him to a term of imprisonment, or a fine, or both.

<sup>25/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 3, 29 December 1967, p. 303.

<sup>26/</sup> Not so far available in Hebrew, but see translation of Security Instructions for the Golan Heights.



(2) In addition to any penalty of imprisonment imposed by a military court, the court may, for non-payment of a fine, impose a sentence of imprisonment for a term which it deems appropriate, provided that it is not more than two years.

(3) A term of imprisonment for non-payment of a fine shall be served after any sentence of imprisonment to be served by the convicted person.

(b) If a person is sentenced to imprisonment, including imprisonment for non-payment of a fine, and before he completes his sentence he is sentenced to imprisonment again for a different offence, the second term of imprisonment shall begin at once and be concurrent with the first, unless the military court directs otherwise.

(c) A military court which has imposed a sentence of imprisonment, other than for non-payment of a fine, may order that the term of imprisonment shall be served, in whole or in part, at hard labour. The Regional Commander shall determine from time to time what kinds of labour shall be imposed on a person who has received such a sentence.

(d) (1) A military court which has imposed, for an offence other than the non-payment of a fine, a sentence of imprisonment for a fixed term may order that the sentence shall, in whole or in part, be conditional.

(2) A person sentenced to conditional imprisonment shall not serve his penalty unless during the period stipulated in the sentence (hereinafter referred to as the conditional period) he commits one of the offences defined in the sentence (hereinafter referred to as an additional offence).

(3) If the convicted person receives a conditional sentence and he is found guilty of an additional offence during or after the conditional period, the court shall order the application of the conditional penalty.

/...

(4) If the convicted person is found guilty and the military court fails to order the application of the conditional penalty a military prosecutor may, not later than thirty days after the court's sentence, request the court to apply the conditional penalty.

(5) A person who has been sentenced to imprisonment for an additional offence and against whom a conditional sentence of imprisonment has been applied, shall serve the two terms of imprisonment successively unless the military court, for reasons which shall be placed on record, directs that the two terms, in whole or in part, shall overlap.

(6) An order given under sub-paragraphs (3) to (5) above shall, for all intents and purposes, be deemed to be a sentence of a military court." (3)

Amendment of article 46

4. In article 46 (a) of the principal Order -

(1) In sub-paragraph (a), after the words "explosive or incendiary substance", insert the words "device, substance or object designed or liable to cause death or serious damage".

(2) Delete sub-paragraph (b).

Additional paragraph 50A

5. Insert after paragraph 50 of the principal Order:

"Non-prevention of an offence

50A. A person who knows that another person intends to commit an offence punishable by a term of imprisonment of more than three years and fails to take reasonable action to prevent its commission or its completion shall be guilty of an offence against this Order."

Amendment of article 71

6. In article 71 of the principal Order, replace the words "a proclamation or order of the Regional Commander or of a military commander" by the words "a security regulation", and replace the words "IL 1,000" by the words "IL 5,000".

Rescinding of Order No. 27

7. The Order concerning Jurisdictional Powers (West Bank) (No. 27)<sup>27/</sup> is rescinded.

27/ So far not available.

/...

Entry into  
force

8. This Order shall enter into force on the day of its signature.

Title

9. This Order shall be known as "Order concerning Security Instructions (West Bank) (Amendment No. 9) (Order No. 144) - 1967".

22 October 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander of  
the Region of the West Bank

/...

Order No. 157

Order concerning Prolongation of Detention Warrant  
(Temporary Provision) 28/

By virtue of my authority as IDF Commander in the Region, I hereby order as follows:

Definitions

1. In this Order -

"Order concerning Security Instructions" means the Order concerning Security Instructions annexed to the Proclamation relating to the Entry into Force of the Order Concerning Security Instructions (West Bank) (No. 3) - 1967".

"Police Officer" means an officer referred to in the Order concerning Police Forces Co-operating with the IDF (West Bank) (No. 52) - 1967.<sup>29/</sup>

Prolongation  
of warrant  
of deten-  
tion

2. A police officer whose rank is not lower than that of "Pakad"<sup>30/</sup> whose attention has been drawn to the fact that the investigation material being assembled against a person in respect of whom a detention warrant has been issued as stated in article 60 (4) of the Order concerning Security Instructions<sup>31/</sup> requires that he continue to be held in custody, may, notwithstanding what is stated in the Order concerning Security Instructions, prolong the validity of the detention warrant for an additional period of not more than seven days.

28/ Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 8, 29 December 1967, p. 324.

29/ The Hebrew text of Order No. 52 is as yet not available. A French translation of that text indicates that the police referred to are members of the Israel Police.

30/ Probably Police Commander.

31/ This Order in the Golan Heights version has no paragraph (4). Article 60 expressly states that no warrant is needed, and it may be that paragraph (4) refers to warrants in the case of arrests for offences against the local law.

/...

Applicability  
of provisions

3. The provisions of articles 60 (7) and 60A of the Order concerning Security Instructions shall apply to a detention warrant prolonged as stated in paragraph 2 above, unless the detained person shall have been released by an order of a police officer whose rank is not lower than that of "Pakad".

Entry into  
force and  
temporary  
provision

4. (a) This Order shall enter into force on the day of its signature.

(b) This Order shall cease to be valid three months after the day of its entry into force, unless it is rescinded, amended or prolonged by me before the expiry of that date, but there shall be nothing in the expiry of the validity of this Order to prevent the continuation of its validity for the period specified in a detention warrant issued on the strength of this Order.

Title

5. This Order shall be known as "Order concerning Prolongation of Detention Warrant (Temporary Provision) (West Bank) (No. 157) - 1967".

1 November 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander of  
the Region of the West Bank

/...

ISRAEL DEFENCE FORCE

Order No. 160

Clarification Order (Supplementary Provisions) (No. 1)<sup>32/</sup>

By virtue of my authority as IDF Commander in the West Bank, I hereby order as follows:

Definitions

1. In this Order -

"The Official Gazette" means what it means in the Definitions Ordinance, 1945.

"Secret law" means any act of legislation of which the Region was not informed by its enactor during the period between 29 November 1947 and 15 May 1948 and which was not published in the Official Gazette in spite of its being of a type of legislation whose publication in the Official Gazette was, during that period, mandatory or customary.

Secret law

2. In order to eliminate uncertainty, it is hereby stated that no secret law has, or ever has had, any validity.

Title

3. This Order shall be known as "Clarification Order (Supplementary Provisions) (No. 1) (West Bank) (No. 160) - 1967".

5 November 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander of  
the Region of the West Bank

<sup>32/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank, No. 8, 29 December 1967, p. 329.

/...

Order concerning Security Regulations (Amendment No. 4)  
(dated 27 July 1967)

(Summary)<sup>33/</sup>

In the Security Regulations (see translation of corresponding Order for Golan Heights) the Order amends article 1 (1) to include definitions of "Chief Military Prosecutor" and "Legal Adviser" (i.e. adviser to a military Commander); replaces article 44 with an article entitled "Sabotage and Causing of Death", which imposes a death sentence "or other penalty as the Court shall direct" on a person who intentionally causes the death of another, or sabotages IDF installations and which rules out the death penalty for persons under eighteen at the time of the offence; inserts a paragraph 2 (a) after article 67 (a) which requires an officer issuing a detention order to inform the legal adviser thereof within ninety-six hours; inserts in article 71 the words "or who fails to comply with a provision or obligation laid down in a proclamation or in an order of the Regional Commander or of a military commander", and cancels Order No. 53 (Amendment No. 3 to the Security Regulations).

<sup>33/</sup> Translated from "Proclamations, Orders and Appointments of the IDF Command in the West Bank Region", No. 5, 15 November 1967.

/...

Order No. 163

Order concerning Reporting of Wounded Persons<sup>34/</sup>

By virtue of my authority as IDF Commander in the Region of the West Bank, I hereby order as follows:

Definitions

1. In this Order -

"Hospital" means any place in which ill or wounded persons are treated.

"Administrator of Hospital" includes the person responsible for running or supervising the hospital at the time.

Information by doctor concerning wounded person

2. A doctor, medical assistant or nurse who treats a person for a wound liable to have been caused by a firearm, bomb, grenade or explosive substance shall, immediately after treatment, so inform the nearest police-station.

Information by hospital

3. The administrator as well as the reception officer of a hospital to which a person as described in article 2 has come or in which such a person is present shall immediately so inform the nearest police-station.

Entry into force

4. This Order shall enter into force on 1 November 1967.

Title

5. This Order shall be known as "Order concerning Reporting of Wounded Persons (West Bank) (No. 163) - 1967".

5 November 1967

Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander in the  
Region of the West Bank.

<sup>34/</sup> Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 8, 29 December 1967, p. 332. This is the translation, as requested, of the Order described in the "Summary of Contents" of Gazette No. 8 for the West Bank.



Order No. 164

Order concerning Local Courts  
(Status of IDF Authorities) 35/

By virtue of my authority as IDF Commander in the Region, I hereby order as follows:

Definitions

1. In this Order -

"local court" means a lawfully constituted court;

"claim" means a claim in any civil, criminal or other matter and includes a demand, in an order, judgement or otherwise, to appear in court, to enter or oppose a plea, in writing or orally, under oath or otherwise, to testify, to present or open files or documents, to provide details or to answer questions in writing or orally, to furnish security, or to do or not to do anything in any legal proceeding.

Non-competence with respect to claims

2. No claim shall be brought in a local court, and a local court shall not consider a claim and shall not issue an order, judgement or other instruction authorizing or entertaining a claim, directed against any of the following:

- (1) the State of Israel, its authorities or its employees;
- (2) the Israel Defence Force or its soldiers;
- (3) the authorities which have been appointed by the IDF Commander in the Region or by a military commander or which have been empowered by them to operate in the Region;
- (4) persons serving in the authorities mentioned in paragraph (3) above;
- (5) persons engaged in the service of the IDF or in IDF missions.

35/ Published in "Proclamations, Orders and Appointments of the IDF Command in the Region of the West Bank", No. 8, 29 December 1967, p. 333.

- Reservation as to non-competence
3. The provisions of article 2 above notwithstanding, the IDF Commander in the Region, or a person empowered by him to do so, may:
- (1) authorize in a particular proceeding, or with respect to a particular person, the giving of evidence, the furnishing of documents or disclosure of information, and the giving of details or replies to questions in writing or orally; or
  - (2) authorize the bringing of a claim in a local court against a person working in the service of the IDF or in an IDF mission or in the service of any of the authorities mentioned in article 2 (3).
- Evidence
4. A certificate signed by the IDF Commander in the Region or by a person empowered by him to do so shall serve as conclusive evidence that a provision of this Order applies to a person whose name is given in the certificate.
- Appeals
5. (a) A person who considers himself to have been injured by an act or omission of an authority or a person specified in article 2 above may apply to the IDF Regional Commander and complain about the act or omission or appeal against it.
- (b) Nothing in this article shall prejudice the right of a person to apply to an appeals committee which shall be established for the purpose of considering matters of certain kinds.
- Entry into force
6. This Order shall enter into force on the day of its signature.
- Title
7. This Order shall be known as "Order concerning Local Courts (Status of IDF Authorities). (West Bank). (No. 164), 1967".

Dated 3 November 1967

Signature: Uzi Narkis,  
Colonel, General Staff,  
and IDF Commander in the  
Region of West Bank.

/...

C. GAZA STRIP AND NORTHERN SINAI REGION

Order No. 257 concerning Extension of Detention Ordinance  
(Temporary Provision) (Extension of Validity) (dated  
8 January 1969) 36/

The Order extends for an indefinite period, pending further order by the Regional Commander, Order No. 114, of 1967, on the same subject, as extended by Order No. 215, of 1968 /of which the Hebrew text is not available/.

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36/ "Proclamations, Orders and Announcements of the IDF Command in the region of the Gaza Strip and Northern Sinai", No. 14, 11 June 1969, p. 1018.

Order No. 263 concerning Prosecutions (Amendment No. 1)  
(dated 16 February 1969) (Summary) 37/

The Order amends various paragraphs of the original order (No. 234, of 1968, as yet not available in Hebrew). Article 7 (b) is replaced by a paragraph which empowers the officer in charge of prosecutions to compel the appearance of witnesses and the submission of evidence in connexion with the consideration of a prosecution. Article 8 is replaced by an article providing for the appointment of a prosecutions appeals committee to hear objections to the decisions of the officer in charge of prosecutions. According to two articles inserted after article 9, the chairman must be a legal expert and the committee is guided only by the law and by security regulations and is independent of the Commander's authority. In its procedure it is not bound by the rules of evidence, except that it must ensure the right of any applicant to appear before it or be represented by counsel. Otherwise, the chairman of the committee is the master of its procedure and the committee may meet behind closed doors.

37/ Ibid. (page not known).

Order No. 266 concerning Identification of Goods (Amendment No. 1)  
(dated 18 February 1969) 38/

The Order inserts a new article after article 4 of the original Order (No. 168, of 1968, the Hebrew text of which is as yet unavailable, except in the version for the Golan Heights) providing that the authority responsible for the application of the original order may, with the agreement of a person who has violated it or is suspected of violating it, accept a compensatory sum of money greater than the maximum fine for the offence, and in that case the person concerned will not be prosecuted, or if he is on trial, the proceedings will be stopped.

Instruction concerning Designation of Places of Detention  
and Imprisonment (dated 5 February 1970) 39/

By virtue of my authority under article 37 of the Order concerning Security Instructions and article 1 of the Order concerning the Operation of Custody Facilities (Gaza Strip and Northern Sinai) (No. 25) - 1967, I hereby determine that:

1. Any prison that is designated as a place of detention and imprisonment in the security regulations of the Region of Judea and Samaria shall serve as a place of detention and imprisonment for persons in custody who are residents of Judea and Samaria.
2. This Instruction shall come into force on 5 February 1969.

5 February 1969

Mordecai Gur, Lt.-Col.,  
IDF Commander in the  
Region of the Gaza Strip  
and Northern Sinai.

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39/ Ibid., p: 1044.

פ"יחמ א'כ"ו/כ



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



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COMMISSION ON HUMAN RIGHTS  
Twenty-sixth session  
Item 5 of the provisional agenda

REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS  
ESTABLISHED UNDER RESOLUTION 6 (XXV) OF THE  
COMMISSION ON HUMAN RIGHTS

INTRODUCTION

CHAPTER I. SCOPE OF THE MANDATE OF THE SPECIAL WORKING  
GROUP OF EXPERTS, IN THE LIGHT OF RESOLUTION  
6 (XXV) OF THE COMMISSION ON HUMAN RIGHTS AND  
OF THE GENEVA CONVENTION RELATIVE TO THE  
PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

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## INTRODUCTION

### A. Establishment and terms of reference of the Special Working Group

1. At its 973rd meeting, on 27 February 1968, the Commission on Human Rights adopted resolution 6 (XXIV), which reads as follows:

"The Commission on Human Rights,

"Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

"Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

"Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,

"Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967), of 14 June 1967, and called for humanitarian assistance,

"1. Notes with appreciation the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;

"2. Affirms the right of all the inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;

"3. Requests the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2 above."

2. At its twenty-fifth session the Commission on Human Rights had before it a report (E/CN.4/999) submitted by the Secretary-General in pursuance of paragraph 3 of resolution 6 (XXIV). At its 1014th meeting, on 4 March 1969, the Commission adopted resolution 6 (XXV), which reads as follows:



"The Commission on Human Rights,

"Mindful of the principle embodied in the Universal Declaration of Human Rights recognizing the right of everyone to return to his country,

"Recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967, resolution 6 (XXIV) of the Commission on Human Rights and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968 and General Assembly resolution 2452 (XXIII) of 19 December 1968 which called upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who fled the areas since the outbreak of hostilities,

"Further recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel, and to respect human rights and fundamental freedoms,

"Bearing in mind that Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolution 2252 (ES-V) of 4 July 1967, Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, and resolution 6 (XXIV) of the Commission on Human Rights have called for the application of Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

"Noting that the Security Council has once again expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel and deplored the delay in the implementation of resolution 237 (1967),

"Noting also resolution I on respect for, and implementation of, human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968 (A/CONF.32/41) and General Assembly resolution 2443 (XXIII) of 19 December 1968,

"Deeply concerned about the reported continuation of human rights violations as well as violations of the Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

"Having received the report of the Secretary-General (E/CN.4/999),

"1. Reaffirms the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return, and calls upon the Government of Israel to immediately implement the United Nations resolutions to this effect;

"2. Deplores Israel's continued violations of human rights in the occupied territories, particularly the acts of destroying homes of Arab civilian population, deportation of inhabitants and the resorting to violence against inhabitants expressing their resentment to occupation and calls upon the Government of Israel to put an immediate end to such acts;

"3. Expresses its deep concern on Israel's refusal to abide by the Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War, and calls once again upon the Government of Israel fully to respect and apply that Convention;

"4. Decides to establish a special Working Group of Experts composed of the members of the Ad Hoc Working Group of Experts established under Commission resolutions 2 (XXIII) and 2 (XXIV) with the following mandate:

"(a) To investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East;

"(b) To receive communications, to hear witnesses and to use such modalities of procedure as it may deem necessary;

"(c) To report, with its conclusions and recommendations, to the Commission's twenty-sixth session;

"5. Decides to include the question of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-sixth session."

### B. Organization of work

3. On 9 April 1969 the Acting Chairman of the Special Working Group of Experts established by the Commission in resolution 6 (XXV) addressed letters to the Permanent Representatives of Jordan, Israel, Lebanon, Syria and the United Arab Republic to the United Nations, drawing their attention to the mandate which the Commission on Human Rights had entrusted to the Special Working Group and informing them of the Working Group's intention to conduct its investigations during July and August 1969, subject to the concurrence of the Economic and Social Council and the other competent organs of the United Nations. The letter further stated:

"At the request of the Working Group I have the honour to express the hope that Your Excellency's Government would extend its co-operation to

the Group. In particular, the Working Group would be grateful if Your Excellency's Government could communicate to me... by 27 June 1969, if possible, any information relating to matters within the mandate of the Group as set out above, including the names and addresses of persons or organizations residing within the jurisdiction of Your Excellency's Government who might be prepared to furnish such information, either orally or in writing, to the Working Group. The names of such persons or organizations would be kept confidential by the Working Group upon request."

4. Similar letters were addressed to the Permanent Observer of the League of Arab States to the United Nations and to the Commissioner-General of the United Nations Relief and Works Agency.

5. The Permanent Representative of the United Arab Republic replied by a note dated 8 May 1969 which read in part as follows:

"The Permanent Representative of the United Arab Republic wishes to convey to the Ad Hoc Working Group that the Government of the United Arab Republic is ready to extend its full co-operation to the expert group in order to ensure the fulfilment of its mandate and the prompt implementation of resolution 6 (XXV) of the Commission on Human Rights."

6. The Permanent Representative of the Hashemite Kingdom of Jordan replied by a letter dated 9 May 1969 which read in part as follows:

"I have the honour... to convey to the Working Group... that the Jordan Government is ready to extend to the Working Group its full co-operation to ensure the prompt fulfilment of the Mandate entrusted to it under resolution 6 (XXV) of the Commission on Human Rights."

7. The Permanent Representative of the Syrian Arab Republic replied by a letter dated 22 May 1969 which read in part as follows:

"I have the honour to inform you that the Government of the Syrian Arab Republic would be more than happy to extend to the Special Working Group established under paragraph 4 of resolution 6 (XXV) of the Commission on Human Rights... its full co-operation for the successful fulfilment of its humanitarian mission in accordance with the terms of the aforementioned resolution."

8. The Permanent Representative of Lebanon replied by a letter dated 25 June 1969 which read in part as follows:

"I have the honour to inform you that the Lebanese Government welcomes the visit of the Special Working Group of Experts to Lebanon and is prepared to do whatever possible to facilitate its mission. Furthermore, the Government and many directly interested organizations and individuals will be willing to supply the Committee with all the documents and evidence which prove the Israeli violation of human rights in the occupied territories."

9. The Permanent Representative of Israel replied by a note dated 25 June 1969 which read in part as follows:

"At the time of the adoption of the resolution, the representative of Israel fully explained why the Government of Israel rejected that unbalanced and prejudicial resolution.

"It attempted to prejudge the very conclusions which the so-called Special Working Group of Experts was to reach.

"It failed to have any regard for the vicious trampling on the human rights of the Jewish Communities in certain Arab countries in the Middle East region.

"It was adopted by the Commission on Human Rights by a vote of 13 in favour and one against, with 16 abstentions and two members absent. All the 13 votes in favour were cast by Member States with a record of anti-Israel votes, and nearly all of them are Arab or pro-Arab States that do not maintain any normal relations with Israel and are consistently hostile to it.

"It is clear that a resolution adopted in these circumstances is a purely propaganda exercise lacking any moral validity; and that it does not represent the views of the responsible and impartial majority of the Commission's members.

"It is noted that the Special Working Group of Experts had not been completely or properly constituted when some of its members decided to dispatch the letter of 9 April 1969 to the Government of Israel, which is attached to the Secretary-General's note. It is further noted that the resolution of the Commission on Human Rights setting up the Special Working Group was not subsequently approved as required by various resolutions of the Economic and Social Council, including more particularly resolutions 9 (I) of 21 June 1946 and 1367 (XLV) of 2 August 1968.

"In the light of the foregoing, the Government of Israel wishes to inform the Secretary-General that it is unable to consider resolution 6 (XXV) as constituting a basis for co-operation on its part."

10. The Permanent Observer of the League of Arab States replied by letter dated 21 May 1969 which read in part as follows:

"I am pleased to inform you that the League of Arab States welcomes the decision of the said resolution entrusting the Ad Hoc Group of Experts established under resolutions 2 (XXIII) and 2 (XXIV) of the Commission on Human Rights to investigate allegations concerning Israel's violations of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 April 1949, in the territories occupied by Israel as a result of hostilities in the Middle East.

"The League of Arab States also welcomes the visit of the group to conduct its investigations and will co-operate to the fullest extent.

"I wish also to inform you that your letter was presented to the Permanent Arab Regional Commission of Human Rights, which expressed its readiness to meet with the Ad Hoc Group and render all facilities.

"The League of Arab States is in the process of preparing the requested information relating to matters within the mandate of the group. I shall, in due time, inform you about this matter in full detail."

11. In a further letter, dated 19 June 1969, the Permanent Observer of the League of Arab States stated:

"With reference to your letter dated 9 April 1969, concerning resolution 6 (XXV) of the Commission on Human Rights, entitled 'Question of human rights in the territories occupied as a result of the hostilities in the Middle East' and my reply of 21 May 1969, I wish to bring to your attention and also to the attention of the distinguished members of the Ad Hoc Working Group, the various complaints submitted by Arab Member States concerning Israel's violations of human rights in the occupied territories since its aggression of June 1967. These complaints had been distributed to the Member States of the United Nations as official records of the Security Council and the General Assembly.

"I think that these complaints are most helpful to the Ad Hoc Working Group in carrying out its mandate entrusted to it by resolution 6 (XXV) of the Commission on Human Rights."

12. The Commissioner-General of UNRWA replied to the letter of the Acting Chairman of the Special Working Group by a letter dated 16 June 1969, which read in part as follows:

"I have given careful consideration to the request made in your letter, in the light of the mandate of UNRWA as determined by the General Assembly. Although I understand and sympathize with your needs and

purposes, I feel obliged to advise you that I have serious doubts as to whether the requests contained in your letter fall within the terms of that mandate, or are consistent with the activities as conducted at present by UNRWA, or indeed, whether UNRWA at present would be able to do what you wish done.

"You may be sure that it is with genuine regret that I feel unable, for the reasons stated above, to respond favourably to your requests. Permit me to suggest that if you and the Special Working Group of Experts should wish to pursue this matter further, you might seek the opinion and guidance of the Secretary-General."

13. The Special Working Group considered these communications, and the organization of its work at a series of eight meetings held in New York during July 1969. It decided to visit Geneva in order to consult with the International Committee of the Red Cross on the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. It further decided to visit those States which had indicated their willingness to co-operate with it for the purpose of hearing witnesses and gathering evidence in accordance with its terms of reference. For this purpose, it established the following itinerary: Beirut (10-12 August); Damascus (13-15 August); Amman (15-18 August); Cairo (19-23 August).

#### C. Documentation

14. The Special Working Group had before it the documents of the Security Council and the General Assembly containing information relevant to its mandate, as well as an annotated list of such documents prepared by the Secretariat. The Special Working Group also took note of the relevant documents of the Commission on Human Rights and those of the International Conference on Human Rights held in Teheran, from 22 April to 13 May 1968. In addition, it had before it the texts of several proclamations and orders promulgated by the Israeli occupation authorities in the occupied areas (see annexes). The Special Working Group has not been able to obtain the complete collection of these proclamations and orders but it has been able to take into account some of these proclamations and orders that are particularly relevant to its mandate. The Group also had before it the annual reports of the International Committee of the Red Cross for 1967 and 1968, the Topical Red Cross News, a series of bulletins published periodically, and the International Review of the Red Cross, a monthly publication; these are both

publications of the International Committee of the Red Cross. The Special Working Group also benefited from the International Committee of the Red Cross reports on visits to certain prisons by delegates of that Committee. These reports were communicated to the Special Working Group by the President of the Jordan National Red Crescent Society and they refer to the prisons of Nablus, Jenin, Jericho, Hebron, Tulkarm and Ramallah in the West Bank. The Secretary-General of the Red Crescent Society of the United Arab Republic also presented the Special Working Group with a report of Dr. Marc Schmid of the International Committee of the Red Cross on the medical and health aspects of the situation in the occupied Gaza and Sinai regions; the report is based on a visit to the areas concerned by Dr. Schmid from 19 November to 12 December 1968. The Special Working Group also received a documentary film entitled "Inside the Occupied Land" submitted as evidence by the League of Arab States.

#### D. Procedure

15. In accordance with operative paragraph 4 of resolution 6 (XXV), the Special Working Group of Experts established by the Commission on Human Rights is composed of the members of the Ad Hoc Working Group of Experts which had been established under Commission resolutions 2 (XXIII) and 2 (XXIV). The Working Group accordingly is composed of Mr. Ibrahima Boye, Procureur general, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Senegal to the United Nations (Senegal); Mr. Felix Ermacora, Professor of Public Law, University of Vienna (Austria); Mr. Branimir Jankovic, Professor of International Law, University of Belgrade (Yugoslavia); Mr. Nagenora N. Jha, First Secretary at the Permanent Mission of India to the United Nations (India); Mr. Luis Marchand Stens, Professor of International Law, Minister at the Embassy of Peru to the United States (Peru); and Mr. Waldo Emerson Waldron-Ramsey, barrister-at-law and economist, Counsellor at the Permanent Mission of the United Republic of Tanzania to the United Nations. Mr. Boye acted as Chairman of the Special Working Group and Mr. Jankovic as Vice-Chairman. Some of the members of the Special Working Group were unable to attend certain meetings, and therefore the composition of the Working Group varied (see annexes).

16. Mr. Edward Lawson, Deputy Director of the Division of Human Rights, represented the Secretary-General at the meetings which the Special Working Group held in New York. Mr. Maxime Tardu (Division of Human Rights) was Secretary to the Group during its meetings in New York. Mr. Ilhan Lutem (Division of Human Rights) was Principal Secretary during the Group's meetings in Geneva and in the Middle East. Mr. John Pace (Division of Human Rights) was Assistant Secretary to the Group in New York, Geneva and in the Middle East.

17. The Special Working Group followed the following procedure when hearing witnesses. The Chairman first read out the mandate of the Group. Each witness was then asked by the Chairman to give his or her name, age and occupation and was offered the choice of taking an oath or making a declaration. The alternatives offered were as follows:

"I swear that I will speak the truth, the whole truth and nothing but the truth",

and

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

The Chairman then asked whether the witness wished to make any statement. After the statement, or in the absence of a statement, the members of the Special Working Group put questions to the witness.

#### E. Conduct of the mission

18. The Special Working Group held eleven meetings in New York, one in Geneva, three in Beirut, three in Damascus, six in Amman and five in Cairo. On 13 August, in Syria, the Group visited the Djerammadah Tents and the Doumar Temporary Houses, which house refugees. In Jordan, on 15 August, the members of the Working Group visited the refugee camp at Baqaa.

19. The Special Working Group heard a total of 103 persons. Of these, three were heard in New York, fourteen in Beirut, twenty in Damascus, twenty-six in Amman and thirty-nine in Cairo. Of the witnesses, five testified in closed meeting at their own request. In connexion with the testimony of one witness in Cairo, on 21 August 1969, the Working Group arranged for a medical examination of the witness conducted by a doctor appointed for the purpose. The Group also consulted with a

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representative of the International Committee of the Red Cross, Mr. Claude Pilloud. A list of the witnesses heard by the Group in open meeting and a list of communications appear in the annexes to this report.

#### CHAPTER I

#### SCOPE OF THE MANDATE OF THE SPECIAL WORKING GROUP OF EXPERTS IN THE LIGHT OF RESOLUTION 6 (XXV) OF THE COMMISSION ON HUMAN RIGHTS AND OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

20. The Special Working Group of Experts has conducted its investigation on the basis of resolution 6 (XXV) of the Commission on Human Rights and the debates which led to the adoption of that resolution.

21. The Group noted that in the course of those debates, the representative of Israel stated:<sup>1/</sup>

"... that allegation <sup>1/</sup>of the alleged failure by Israel to apply the fourth Geneva Convention of 12 August 1949<sup>2/</sup> could only be based on a fundamental misconception. Under article 9 of that Convention, it was to be applied 'with the co-operation and under the scrutiny of the Protecting Powers', which would have to be appointed by agreement between Israel and the Arab States in question. But the Arab States had obstinately refused to agree with Israel in that matter, because by so doing they would be recognizing the State of Israel, something they were not willing to do. The position was that a humanitarian organization, the International Red Cross, had intervened, but its activities were limited by the fact that it could not undertake the functions of a Protecting Power in accordance with article 11 of the Convention. <sup>2/</sup> That view had been confirmed by Mr. Pictet, the Chairman of the International Red Cross Society, in a commentary on the Convention. Within those limits, Israel had co-operated fully with the Red Cross and continued to do so."

<sup>1/</sup> E/CN.4/SR.1012, 28 February 1969.

<sup>2/</sup> Article 11, para. 2, of the Convention provides: "When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for, in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict."

It also noted that the position of the Government of Israel was said by the International Committee of the Red Cross to be as follows:

"Application of the fourth Geneva Convention - Following on persistent ICRC representations to the Israeli authorities stating that the fourth Convention is applicable throughout all the occupied territories, the Government of Israel has declared that it wished 'to leave open for the time being' the question of the application of the fourth Geneva Convention, preferring to act on an ad hoc basis by granting practical facilities to the ICRC delegates." 3/

22. The note verbale of the Government of Israel dated 25 June 1969 stated:

"At the time of the adoption of the resolution, the representative of Israel fully explained why the Government of Israel rejected that unbalanced and prejudicial resolution.

"It attempted to prejudge the very conclusions which the so-called Special Working Group of Experts was to reach.

"It failed to have any regard for the vicious trampling on the human rights of the Jewish communities in certain Arab countries in the Middle East region.

"It was adopted by the Commission on Human Rights by a vote of 13 in favour and one against, with 16 abstentions and two members absent. All the 13 votes in favour were cast by Member States with a record of anti-Israel votes, and nearly all of them are Arab or pro-Arab States that do not maintain any normal relations with Israel and are consistently hostile to it.

"It is clear that a resolution adopted in these circumstances is a purely propaganda exercise lacking any moral validity; and that it does not represent the views of the responsible and impartial majority of the Commission's members.

"It is noted that the Special Working Group of Experts had not been completely or properly constituted when some of its members decided to dispatch the letter of 9 April 1969 to the Government of Israel, which is attached to the Secretary-General's note. It is further noted that the resolution of the Commission on Human Rights setting up the Special Working Group was not subsequently approved as required by various resolutions of the Economic and Social Council, including more particularly resolutions 9 (I) of 21 June 1946 and 1367 (XLV) of 2 August 1968.

3/ International Review of the Red Cross, No. 95 (February 1969), p. 88; communicated by Mr. Pilloud, a Director of the International Committee of the Red Cross, at the twelfth meeting of the Group, Geneva, 8 August 1969.

"In the light of the foregoing, the Government of Israel wishes to inform the Secretary-General that it is unable to consider resolution 6 (XXV) as constituting a basis for co-operation on its part."

The argument advanced by the Government of Israel in the Commission on Human Rights and implied in the reply to the Group quoted above, that a similar investigation into alleged violations of human rights of the Jewish communities in Arab countries ought to be conducted by the Special Working Group, cannot be entertained by this Group, irrespective of whether such a parallel investigation would be justified in fact. The principal reasons against this Israeli argument are as follows: (a) that such an investigation would not fall under any of the provisions of the fourth Geneva Convention, and (b) even if there did exist reciprocal agreement between the parties to the Convention, this investigation could not be carried out by the Special Working Group in view of the precise terms of the mandate set out in resolution 6 (XXIV).

23. During the debate in the Commission, most representatives stressed that, in their opinion, the Government of Israel was bound by the Convention and should apply it in the territories occupied as a result of the hostilities of June 1967.<sup>4/</sup> It was noted, in particular, that the Government of Israel had ratified the Convention without reservation on 6 July 1951. The Convention had been also ratified without reservation by Jordan, on 29 May 1951, Syria, on 2 November 1953, and the United Arab Republic, on 10 November 1952. It was further mentioned that the conditions under which the Convention was applicable were set forth as follows in article 2 of the Convention:

"(a) all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the State of war is not recognized by one of them"; and

"(b) all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance".

The occurrence of an armed conflict in 1967 between Israel, on the one hand, and Jordan, Syria and the United Arab Republic, on the other, as well as the subsequent occupation of certain territories by Israel are known historical facts. The

<sup>4/</sup> See, for instance, E/CN.4/SR.1010, pp. 4-5; E/CN.4/SR.1011, pp. 5 and 9; E/CN.4/SR.1013, pp. 7 and 9; E/CN.4/SR.1014, p. 6.

question whether these occupied areas are territories "of a High Contracting Party" within the meaning of article 2 of the Convention must be answered by taking into account the status of the territories in question at the time of the outbreak of hostilities in June 1967. On 4 June 1967 the lines of demarcation between territories under Israeli authority and territories under the authority of Syria, Jordan and the United Arab Republic were defined partly by the international border of the former Mandate of Palestine, partly by the cease-fire line laid down in the Arab-Israeli Armistice Agreements of 1949. There appears to be no question that the territories of Syria and the United Arab Republic now under occupation, outside the international borders of the former Mandate of Palestine, are "territories of a High Contracting Party" in the sense of article 2 of the Convention. Those territories within the borders of the former Mandate of Palestine that are now under occupation, namely the West Bank and the Gaza Strip are also to be considered as "territories of a High Contracting Party" in accordance with article 2 of the Convention. The borders of these territories were recognized in the Arab-Israeli Agreements of 1949. Since then, Israel, the Kingdom of Jordan and the United Arab Republic have exercised governmental powers in these territories. In addition, at the time of ratification of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War of 12 August 1949, none of the parties concerned made any reservations regarding these territorial limits, thereby tacitly recognizing them. The Special Working Group is of the opinion, therefore, that the areas of the West Bank and Gaza occupied as a result of the hostilities of June 1967 are, as far as the Group's mandate is concerned, "territories of a High Contracting Party".

24. In resolution 6 (XXV), the Commission on Human Rights "expresses its deep concern on Israel's refusal to abide by the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and calls once again upon the Government of Israel to fully respect and apply that Convention", and it requests the Group to investigate "allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East". The Group has conducted its investigation, basing itself on the affirmation, clearly expressed in resolution 6 (XXV), that Israel should apply the Convention in the territories occupied as a result of such hostilities.

25. In the present chapter, the Group merely wishes (a) to determine the scope of its investigation and (b) to stress certain basic provisions of the Convention. Articles of the Convention which set forth specific rights of protected persons will be quoted or summarized in chapter III as appropriate.

A. Scope of the investigation

1. Limitations as regards the rights which should be considered in the investigation

26. The civilian population of the territories occupied by Israel as a result of hostilities in the Middle East enjoys the human rights provided for in the Charter of the United Nations and the Declaration of Human Rights. The applicability of these norms in the area of conflict in the Middle East is affirmed by the Security Council in resolution 237 (1967) of 14 June 1967, which states that "essential and inalienable human rights should be respected even during the vicissitudes of war". Security Council resolution 237 (1967) was welcomed with great satisfaction by the General Assembly in resolution 2252 (ES-V). The Commission on Human Rights in resolution 6 (XXV) recalled both these resolutions in its preambular paragraphs.

27. The civilian population of the territories occupied by Israel as a result of hostilities in the Middle East is also protected by the laws of armed conflict in general, i.e., the norms laid down in customary international law or in international conventions ratified by the parties to the conflict.

28. Sub-paragraph 4 (a) of resolution 6 (XXV) of the Commission on Human Rights limits the scope of the present investigation to "allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 1949". Thus, the investigation is concerned with allegations of violations of human rights in general and of those deriving from the laws of armed conflicts only to the extent that such rights are covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

29. The main rights of the civilian population mentioned in the Convention are the following:

- (a) Establishment of hospitals and safety zones and localities to protect wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven (article 14);
- (b) Civilian hospitals may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict (article 18);
- (c) The hospital staff shall be respected and protected (article 20);
- (d) Land and sea transport of wounded and sick civilians, the infirm and maternity cases shall be respected and protected (article 21);
- (e) Free passage of all consignment of medical supplies, food and clothing shall be allowed (article 23);
- (f) Measures relating to child welfare shall be undertaken (article 24);
- (g) Family news of strictly personal nature should be allowed to be sent and to be received (article 25);
- (h) Inquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting if possible should be facilitated (article 26);
- (i) Article 27 contains a general provision about human treatment against all acts of violence, insults and public curiosity; women shall be especially protected;
- (j) No physical or moral coercion in general and to obtain information shall be allowed (article 31);
- (k) The prohibition of corporal punishment, torture etc. is required (article 32);
- (l) The individual responsibility should be respected, no collective penalties, pillage and reprisals are allowed (article 33);
- (m) The taking of hostages is prohibited (article 34);
- (n) The right to leave the territory must be guaranteed, departures should be carried out in a humanitarian manner (articles 35 and 36);
- (o) The right to fair employment shall be granted (article 39);
- (p) Compulsion to work is only permitted in a reciprocal way (article 40);
- (q) Prohibition of individual or mass forcible transfers, as well as deportations in every direction (article 49);

- (r) Care and education of children (article 50);
- (s) Any destruction of real or personal property is prohibited (article 53);
- (t) Food and medical supplies should be ensured (article 53);
- (u) Hygiene and public health should be ensured (article 56);
- (v) Spiritual assistance shall be permitted (article 58);
- (w) Penal law and penal system of the occupied territories should be upheld (article 64);
- (x) In any case a fair trial must be guaranteed (article 71);
- (y) Persons who are sentenced to death should have the right of petition for pardon (article 75);
- (z) Treatment of detainees in the lines of "the standard minimum rules" (article 76);
- (aa) Regulations about the treatment of internees in case of articles 41, 42, 43, 68 and 78 (article 79 ss.), following the "principles of the standard minimum rules" (separate internment, hygiene accommodations, religious services, canteens, air-raid shelters, food, clothing, medical attention, recreation, working conditions, labour detachment, personal property, discipline regulations, petition system, transfers).

30. The Special Working Group deems it necessary to point out that there exists a close connexion between the norms contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War and other legal norms which are part of the law of armed conflicts. This connexion is affirmed in article 154 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which reads:

"In the relations between the Powers who are bound by the Hague Conventions relative to the Laws and Customs of War on Land, whether that of 29 July 1899, or that of 18 October 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of The Hague." 5/

5/ The provisions of the Hague Conventions are binding on the parties to the conflict in the Middle East, inasmuch as these are part of customary international law. See Judgement of the International Military Tribunal for the Trial of German Major War Criminals, Cmd. 6964, p. 65: "by 1939 these rules laid down in the Hague Convention were recognized by all civilized nations, and were regarded as being declaratory of the laws and customs of war."

31. Security Council resolution 237 (1967) refers to both the Geneva Convention relative to the Treatment of Prisoners of War and the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The scope of the present investigation is limited to allegations concerning Israel's violations of the latter Convention.

32. The allegations which prompted the adoption of resolutions 5 (XXIV) and 6 (XXV) of the Commission on Human Rights are found in letters from the Governments of Jordan, Syria and the United Arab Republic contained in documents of the Security Council and of the General Assembly. Some of these letters refer to alleged breaches of specific articles of the Convention, whereas others allege situations that fall within the purview of the Convention without referring to any specific article. Examples of the first kind of letters appear in documents S/8064 and S/8596. These letters refer to alleged breaches of the following articles of the Convention: article 3 (cruel treatment etc.); articles 3 and 16 (disregard of protection of civilian residents); article 15 (food and supply not ensured); article 18 (attacking civilian hospitals); article 49 (forcible transfer); article 54 (alteration of status of public officials); articles 106, 108 (family relations).

Examples of the second category of letters are to be found in the following documents:

(a) Referring to ill-treatment of civilians:

- (i) S/8115, S/8750 from Jordan;
- (ii) S/7991, S/8037, S/8077 from Syria;
- (iii) S/7988, S/7933, S/8344, S/8373, S/8991 from the United Arab Republic;

(b) Referring to torture and murder:

- (i) S/8817, S/8820, S/8929, S/8961 from Jordan;
- (ii) S/8873, S/8892 from Syria;
- (iii) S/8344, S/8373 from the United Arab Republic;

(c) Referring to looting:

- (i) S/8032 from Jordan;



## (d) Referring to deportation:

- (i) S/8032, S/8290, S/8311, S/8445, S/8932, S/8691, S/8698, S/8722 from Jordan;
- (ii) S/8125, S/8550, S/8643 from Syria;
- (iii) S/8007, S/8017 from the United Arab Republic;
- (iv) S/8127 from the Arab Group of States;

## (e) Referring to demolition of houses and destruction:

- (i) S/8004, S/8117, S/8642, S/8739, S/8890, S/9212 from Jordan;
- (ii) S/8178, S/8857, S/8893, S/8904, S/9042, S/9131, S/9139, S/9150, S/9164, S/9199 from Syria;

## (f) Referring to violation of the right to fair trial:

S/8923, S/8930, S/8995, S/9102, S/9162 from Jordan.

33. Most of the allegations contained in these letters do not mention the names or identity of the persons and places they refer to. However, of the letters that mention such names, those contained in the following documents may be mentioned by way of example:

- S/8117 - razing the villages Zeita, Beit Nuba, Yalu Imwas in Jordan;
- S/8817 - murder of Judge Shawqi A. El-Farra, of Khan Yunis in the Gaza Strip; deportation of Miss Zleikha Shehabi, Dr. Daoud El-Husseini, Mr. Kamal Dajani of Jerusalem, Mr. Yasser Amre of Hebron, Jordan;
- S/8820 - torture and intimidation of Mrs. Abla Tahha, Miss Sarah Judah from Jerusalem, Miss Lutfia Ibrahim, West Bank; expulsion of head of families in Jabalia (five names are mentioned);
- S/8857 - destruction of the Syrian villages, Souraman, Ahmedyie on 18 September 1968 and 10 October 1968;
- S/8932 - names of persons who were expelled without charge or trial on 25 October 1968 and on 30 October 1968;
- S/8932 - alleged arrest of Mrs. Zaigah Al Khatib and Mr. Maleha Al-Husseini, Mr. Nazeeh Kurah, Jordan;
- S/8961 - As'ad Abdul Rahman, statement on his imprisonment in Israeli-occupied territory and the treatment of Arabs in prisons under the occupation, Jordan;

- S/9102 - mass arrests in Jerusalem, Nablus, Al-Khalil, Gaza, Ramallah, Bethlehem, Beir Zeit;
- S/9150 - demolition of houses in Abizetun, Tell Essqui, Errazaniye, Khan El-Joukhadar, on 6 April 1969, 7 April 1969 and 8 April 1969;
- S/9162 - arrest of the Reverend Elia Khoury, Mr. Nabih Muammer, and their expulsion to the East Bank, Jordan;
- S/9197 - arrest of Atta-Maraghi of Silwan Village near Jerusalem, Jordan;
- S/9199 - demolition of houses in Aache and other nearby places on 27 April 1969, 1 May 1969 and 5 May 1969;
- S/9225 - arbitrary imprisonment of Randa Nabulsi, Hiba Nabulsi and Saada Nabulsi, demolition of their houses on 8 April 1969, Jordan.

34. The Government of Israel has replied to some of the allegations contained in these letters. In particular, the following documents containing replies may be mentioned:

- S/8123 (referring to S/8115) - referring to ill-treatment of civilians;
- S/8863 (referring to S/8851) - referring to destruction of villages (Souraman and Ahmediye);
- S/8965 (referring to S/8961) - referring to torture;
- S/9158 (referring to S/9150) - referring to demolition of houses;
- S/9174 (referring to S/9162) - referring to arbitrary arrest of civilians;
- S/9208 (referring to S/9197) - referring to violation of human rights of civilians;
- S/9230 (referring to S/9225) - referring to arbitrary imprisonment of civilians and demolition of houses.

35. The letters referred to in paragraphs 32, 33 and 34 concern allegations most of which have been brought as evidence before the Group. The letters containing allegations and replies are analysed in chapter III of this report.

## 2. Limitation of the investigation in time

36. Sub-paragraph 4 (a) of resolution 6 (XXV) refers to "the territories occupied by Israel as a result of the hostilities in the Middle East" without indicating expressly any limitation in time. The Group noted, however, that the preamble of the resolution refers only to resolutions adopted after the 1967 conflict and referring to that conflict. On the basis of this consideration and in the light of

the debates at the Commission on Human Rights, the Group feels that its mandate should be interpreted as referring only to the territories occupied as a result of the hostilities in the Middle East which took place in 1967.

37. The concept of occupation in the Geneva Convention relative to the Protection of Civilian Persons in Time of War is the same as that mentioned in the Hague Regulations of 1907. The question of when an occupation of a territory begins is dealt with in article 42 of the Hague Regulations as follows:

"A territory is considered as occupied when it is actually placed under the authority of the hostile army.

"The occupation extends only to the territory where such authority has been established and can be exercised."

38. Both the existence of a formal declaration of occupation and/or of a cease-fire are therefore irrelevant to the question of when a territory is occupied in the sense of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, since this is, in accordance with the Hague Regulations, a question of fact. Hence, an event falls within the purview of the present investigation if (a) it concerns any of the benefits afforded by the fourth Geneva Convention, inasmuch as this protects civilians in occupied territories, (b) it took place after the opening of hostilities in the Middle East on 5 June 1967 and (c) the geographical location where the event took place was under the de facto authority of the Israel Defence Forces.

### 3. Geographical scope of the investigation

39. The Special Working Group considers that sub-paragraph 4 (a) of resolution 6 (XXV) refers only to the territories which came under de facto control of the State of Israel subsequent to the opening of hostilities on 5 June 1967. The limits of these territories are, on one side, the lines which on 4 June 1967 separated territories under Israeli control from territories under the control of Jordan, Syria and the United Arab Republic and, on the other side, the cease-fire lines established between Israel on the one hand and Jordan, Syria and the United

Arab Republic on the other, in accordance with Security Council resolution 233 (1967) of 6 June 1967.<sup>6/</sup>

40. Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibits individual or mass forcible transfers, as well as deportations of protected persons from occupied territories to the territory of the occupying Power, regardless of the reasons for such transfers or deportation. Thus, persons domiciled or residing in the territories occupied by Israel after 5 June 1967 who have been forcibly transferred or deported to the territory which was under Israeli control prior to that date would be covered by the present investigation.

4. Protected persons

41. Article 4 of the Convention defines the term "protected persons" as follows:

"Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

"Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

6/ The acceptance of the cease-fire call of the Security Council in resolution 233 (1967) was communicated as follows:

- (a) Jordan, by cables dated 7 and 8 June 1967 (S/7943 and Corr.1, S/7946, S/7947);
- (b) Israel, by letter dated 7 June 1967 (S/7945);
- (c) United Arab Republic, by letter dated 8 June 1967 (S/7953);
- (d) Syria by cable dated 9 June 1967 (S/7958).

"The provisions of Part II are, however, wider in application, as defined in article 13.

"Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, shall not be considered as protected persons within the meaning of the present Convention."

42. The persons covered by the present investigation are therefore those who found themselves in the territories occupied by Israel after 5 June 1967 (as mentioned under sub-section 3 above), provided they are not nationals of Israel, nationals of States not bound by the Convention or nationals of neutral or co-belligerent States which have normal diplomatic relations with Israel.

43. As was noted earlier, persons who have been forcibly transferred or deported from the occupied territories to Israel after 5 June 1967 are also covered by the investigation, in accordance with article 49 of the Convention.

B. Some basic provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War

1. The inalienability of the rights of civilian persons under the Convention

44. The rights provided for in the Convention may not be derogated from, except in view of military necessity or for reasons of security, in accordance with detailed provisions of the Convention. These provisions are, in particular: article 5; article 16 (obligations of States Parties as regards wounded and sick persons); article 53 (prohibition of the destruction of property); article 55 (verification by the Protecting Power of the amount of food and medical supplies in occupied territories); article 57 (requisition of civilian hospitals); article 63 (relief work of National Red Cross Societies and other relief organizations); article 64 (penal legislation); article 108 (relief shipments to civilian internees); article 111 (special means of transmitting mail and relief shipments to civilian internees); article 142 (facilities to be granted to relief societies); and article 143 (visits of protected persons by representatives of the Protecting Power and of the International Committee of the Red Cross).

45. Article 8 of the Convention provides:

"Protected persons may in no circumstances renounce in part or in entirety rights secured to them by the present Convention, and by the special agreements referred to in the foregoing article, if such there be."

The special agreements mentioned in article 7 may regulate in detail various matters, but they may in no way adversely affect the situation of protected persons or restrict their rights (article 7, paragraph 1).

46. In accordance with article 47 of the Convention,

"Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, not by any agreement concluded between the authorities of the occupied territories and the Occupying Power, not by any annexation by the latter of the whole or part of the occupied territory."

2. Guarantees for the implementation of the Convention

47. Article 30 of the Convention provides:

"Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization, that might assist them.

"These several organizations shall be guaranteed all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

"Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons."

3. Responsibility for the treatment of protected persons and penal sanctions

48. The question of responsibility for the treatment of protected persons is regulated, inter alia, in article 29 of the Convention. This article reads:

"The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred."

49. Article 146 states that the High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing any of the "grave breaches" of the Convention defined in article 147. Article 147 reads as follows:

"Grave breaches to which the preceding article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

In accordance with article 148, "no High Contracting Party shall be allowed to absolve itself or any other High Contracting Party in respect of breaches referred to in the preceding article".

#### 4. Rights of the occupying Power

50. The Geneva Convention provides minimum standards for the protection of protected persons in the case of conflict or occupation. In article 1 of the Convention "the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances". The provisions set forth in the Convention may therefore in principle not be derogated from. However, concessions to requirements of State security and military necessity are made in several of the provisions of the Convention. In particular, the following provisions may be mentioned: articles 5, 19, 23, 27, 41, 49, 51, 53, 64, 68 and 78.

51. These articles concern the following subject-matter:

- (a) General provision governing derogations (article 5);
- (b) Discontinuance of the protection of hospitals (article 19);
- (c) Free passage can be restricted (article 23);

(d) In respect of the general rule about the treatment there is the exception that "the parties to the conflict may take such measures of control and security...." (article 27);

(e) A partial or total evacuation of a given area is allowed (article 49). In this and other contexts assigned residence and internment are allowed (article 41);

(f) A certain degree of compelled labour is permitted (article 51);

(g) The destruction of property is allowed where "such destruction is rendered absolutely necessary by military operations" (article 53);

(h) Special penal provisions may be promulgated by an occupying Power (article 68);

(i) Under article 78, internment and assigned residence are permitted as security measures.

52. The extent to which considerations of military necessity may justify derogations from the rights of the civilian population in time of peace is exhaustively regulated in the Convention, and considerations for military necessity and State security may not justify any further derogations from any provision of the Convention. Therefore the derogation clauses should be interpreted restrictively, as is shown in particular by the third paragraph of article 5 of the Convention. Article 5 reads as follows:

"Where in the territory of a Party to the conflict the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

"Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

"In each case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be."



53. Articles 146 and 147 of the Convention cannot be interpreted as sanctioning further restrictions of the Convention; they indicate, on the contrary, that persons responsible for any of the grave breaches of the Convention should be subject to effective penal sanctions. Article 147 provides that acts which are "justified by military necessity" do not constitute "grave breaches" of the Convention. However, this provision cannot be interpreted as allowing for derogations additional to those mentioned in paragraphs 50 and 51 above.

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REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS ESTABLISHED UNDER  
RESOLUTION 6 (XXV) OF THE COMMISSION ON HUMAN RIGHTS (continued)

- Chapter II. Analysis of some relevant proclamations and orders of the Israel Defence Forces in the territories occupied by Israel as a result of hostilities in the Middle East
- Chapter III. Analysis of evidence received by the Special Working Group

## CHAPTER II

### ANALYSIS OF SOME RELEVANT PROCLAMATIONS AND ORDERS OF THE ISRAEL DEFENCE FORCES IN THE TERRITORIES OCCUPIED BY ISRAEL AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

1. This analysis is based on the texts available to the Special Working Group. In spite of the efforts of the Group and of the Secretariat to secure a complete collection, the texts available are not complete but they provide a sufficient basis for a pertinent analysis.
2. Immediately upon occupation, government in the areas concerned was vested in the Israeli Military Command. The Israeli authorities have, with the exception of occupied Jerusalem, divided the areas under occupation into four regions for the purpose of administration. These regions are (a) the West Bank of the Jordan (referred to by Israeli Military Government as "Judea and Samaria"), (b) the Gaza Strip and northern Sinai, (c) the Golan Heights and (d) southern Sinai. Each of these regions is under the control of a military governor.
3. The government of these regions is carried out by means of proclamations and orders which are in principle allegedly published in Hebrew and Arabic and the publication of which is a prior condition to their coming into force. It also appears that each proclamation and order is subsequently published in the official gazette of the Israel Defence Force Command of the region, which is entitled Compilation of Proclamations and Orders.

#### A. General survey

4. In order better to understand the importance and the effectiveness of the Geneva Convention Relative to the Protection of Civilians in Time of War of 12 August 1949 (hereinafter referred to as the Convention) in the occupied territories, it is necessary to analyse some relevant proclamations and orders of the Israel Defence Forces in the occupied territories. There exists a close relation between the Convention and the said proclamations and orders. For

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instance, article 64 of the Convention recognizes that the penal law of the occupied territories shall remain in force, and article 117 of the Convention recognizes that the laws in force in the territory will continue to apply to internees who commit offences during internment; article 54 of the Convention guarantees, inter alia, the existence of judicial institutions of the occupied areas during the period of occupation.

5. Proclamation No. 2 of the Israel Defence Force for the Golan Heights concerning law and administration states in section 2 that the law in force in the region on 10 June 1967 will remain in force, in so far as it does not conflict with "this proclamation or any other proclamation or order issued by the Israel Defence Force and with the modifications resulting from the establishment of government by the Israel Defence Force in the region". Similar proclamations concerning the West Bank region and the Gaza Strip contain the same provisions.

6. Section 2 of Proclamation No. 2 thus recognizes the spirit of article 64 of the Convention and of article 117 of the Convention in principle, but the same section 2 of the Proclamation makes reference to abrogations and modifications resulting from the establishment of military government by the occupying Power.

7. There appears to be no question that, in accordance with the provisions of the Convention and with the proclamations promulgated in the occupied areas immediately after occupation, the national penal law in the various areas under occupation is that which was in force prior to occupation.

8. The Special Working Group considers that arguments which imply that "occupied territories" are not "occupied" in the sense of article 64 of the Convention are to be regarded as private opinions and have no bearing on the judicial situation as it exists in the occupied areas of the Middle East and, indeed, as affirmed in the relevant proclamations concerning those areas.

#### B. The system of the Israel Defence Forces regulations

9. The proclamations and orders of the Israel Defence Force in the occupied territories reflect two systems of law of the occupying Power:

(a) the Jerusalem area under occupation, where Israeli law has for all intents and purposes replaced the existing legal system of the region;

(c) the Golan Heights, the West Bank and the Sinai-Gaza regions, where Israeli law has replaced important elements of the legal system of the region, in particular in so far as the maintenance of regular government, security and public order is concerned.

1. The Jerusalem area under occupation

10. That the Jerusalem area is an area under occupation in the sense of the Fourth Geneva Convention has been affirmed in several resolutions adopted by United Nations organs, in particular, Security Council resolution 237 (1967).

11. In virtue of an amendment to the Law and Administration Ordinance 5708 (1948), the Israeli authorities declared an area which includes the occupied area of Jerusalem as one in which the law, jurisdiction and administration of the State apply. The law in force up to the occupation was therefore completely substituted by the law, jurisdiction and administration of the State of Israel.

12. The report of the Secretary-General under General Assembly resolution 2254 (ES-V) relating to Jerusalem (S/8146) contains the necessary information for understanding the factual situation regarding this part of the occupied territories.

13. The occupied area of Jerusalem is governed by Law and Administration Order No. 1 (1967) and the orders subsequent to it. These orders, including the Land Order (Expropriation for Public Purposes) 1943, of 8 January 1968 (Official Gazette No. 1425) and the Law of Dispossession (Dispossession for Public Purposes) 1943, of 14 April 1968 (Official Gazette No. 1443), are connected with article 53 of the Geneva Convention. According to the commentary on the Convention<sup>1/</sup> article 53 permits requisition of private property "only under certain circumstances". The Land Order in question does not mention any "certain circumstances" - it simply refers to "public purposes". In the opinion of the Special Working Group this reference to "public purposes" is not sufficient to render this expropriation immune to the prohibition implied in article 53. The Land Order mentioned above announced that the land described in a schedule to it is absolutely required by the Minister of Finance for public purposes. The order provides for compensation.

<sup>1/</sup> Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Geneva International Committee of the Red Cross, 1958), p. 301.

14. Since the landowners protested against the expropriation order on general grounds and did not claim compensation, the expropriation took place by virtue of the last sentence in paragraph 3 of the order, which states: "The Minister of Finance hereby orders any person in possession of the said land to deliver possession thereof forthwith". The deprivation of property has thus become a confiscation, forbidden by classic international law. 27e

15. Since it appears that in virtue of the Law and Administration Order No. 1 (1967) the area of occupied Jerusalem is governed by Israeli law, which has abrogated the former law of the territory, the Special Working Group is of the opinion that this Israeli law should be considered, in the light of the Geneva Convention, as the law by which the occupying Power governs the occupied part of Jerusalem. In this respect, the Group considers that there is no difference between the Israeli laws applying to Jerusalem and the proclamations and orders applying in the other occupied territories.

2. The Golan Heights, the West Bank and Sinai

16. The Israel Defence Forces govern the occupied area, with the exception of the Jerusalem area under occupation, by means of proclamations and orders. In conducting its analysis of the law of the occupying Power, the Special Working Group limits itself to analysing only the legal system in the occupied areas, with the exception of occupied Jerusalem, which is dealt with under subsection 1 above.

17. A comparison of the Israeli regulations with the Defence (Emergency) Regulations, 1945, as amended until 2 March 1947,<sup>2/</sup> enacted during the period of the British Palestine Mandate shows that the latter has been replaced by Israeli proclamations and orders as they concern the West Bank and the Gaza Strip. 116/115

18. Since the system of the Israel Defence Force regulations concerning the different occupied territories - other than the region of Jerusalem - appears to be approximately the same in each region, for the purposes of this report it is sufficient to analyse only one group of regulations more carefully, that is,

<sup>2/</sup> Government of Palestine. Ordinances, regulations, rules, orders and notices (Jerusalem, Government Printing Press, 1947).

the system in the Golan Heights; this does not restrict the Special Working Group from considering, if necessary, the legal situation in other parts of the occupied territories.

19. There appear to be three main proclamations for each region. Proclamation No. 1 concerning the assumption of government by the Israel Defence Forces (10 June 1967), Proclamation No. 2 concerning law and administration (18 June 1967), Proclamation No. 3 relating to the entry into force of the Order concerning security instructions (18 June 1967).

20. The proclamations are carried out by a series of orders. The main orders for the Golan Heights appear to be the following:

- (a) Order concerning security instructions (18 June 1967) as amended;
- (b) Order No. 2 concerning prohibition of looting (18 June 1967);
- (c) Order No. 5 concerning establishment of military court (21 June 1967);
- (d) Order No. 8 concerning jurisdiction in criminal offences (30 June 1967);
- (e) Order No. 1 concerning closed areas (18 June 1967);
- (f) Order No. 12 concerning establishment of advisory committees (4 July 1967);
- (g) Order No. 13 concerning land transactions (11 July 1967);
- (h) Order No. 20 concerning abandoned property (20 July 1967).

21. Amongst the orders of the Israel Defence Forces promulgated for the West Bank region the following are of particular interest:

- (a) Order No. 58 concerning abandoned (private) property (15 November 1967);
- (b) Order No. 143 concerning defence in military court (8 October 1967);
- (c) Order No. 157 concerning prolongation of detention warrant (1 November 1967);
- (d) Order No. 163 concerning reporting of wounded persons (5 November 1967);
- (e) Order No. 164 concerning local courts (3 November 1967).

22. Amongst the orders of the Israel Defence Forces promulgated for the Gaza Strip region the following are also of particular interest:

- (a) Order No. 257 concerning extension of detention ordinance (8 January 1969);
- (b) Order No. 263 concerning prosecutions (16 February 1969);

- (c) Order No. 266 concerning identification of goods (18 February 1969);
- (d) Instruction concerning designation of places of detention and imprisonment (5 February 1968).

23. The Special Working Group notes that the Order concerning security instructions for the West Bank region, which is presumably similar to the Order for the Golan Heights, has been amended several times. Among these modifications there is - at least valid in the West Bank - the abrogation of article 35, which recognized the Convention as an auxiliary source of law (Amendment No. 9, Order No. 144).

#### C. Proclamations Nos. 1-3 (Golan Heights)

24. Proclamation No. 1 concerns the situation immediately after the occupation of the area and governs the curfew and its consequences; Proclamation No. 2 concerns the assumption of authority: all governmental, legislative, appointive and administrative authority is vested in the military commander of the Israel Defence Forces in the region. The conclusion can be drawn that the commander of the region is primarily the responsible organ of the Israel Defence Forces in the respective regions.

25. Proclamation No. 2 may be considered by the Israeli authorities as a legal basis for the repeal or suspension of penal law of the occupied territories as recognized by article 64 of the Convention.

26. Proclamation No. 2 further contains provisions concerning Syrian State property: all movable and immovable property of this kind is handed over to the military commander of the region and is under his control.

27. Proclamation No. 3 contains the Security Instructions, which concern the same subject-matter as the Convention. These instructions are analysed in section D below.

#### D. The Security Instructions

##### 1. General

28. The Security Instructions - amended several times - which are similar to the Defence Emergency Regulations (1945) of the Government of Palestine, contain five parts as follows:



- (a) General provisions (sections 1-4);
- (b) Provisions about courts and jurisdictions (sections 5-43);
- (c) Offences (sections 44-59);
- (d) Provisions concerning detention, search, seizure and confiscations (sections 60-64);
- (e) Provisions concerning restriction order, surveillance, order and administrative detention (sections 65-70) and miscellaneous provisions.

29. The provisions of the above-mentioned Security Instructions are in particular related to articles 64 to 75 of the Convention, which concern common penal law offences. Article 5 of the Convention permits derogations for security reasons. The Security Instructions could therefore be considered as derogations validly based on the Convention.

30. The Security Instructions do not contain any provision concerning the matters dealt with in other chapters or articles of the Convention. It follows, therefore, at least as concerns the Golan Heights - that, in respect of those matters, the Convention has not been derogated from by Israeli law. On the contrary, section 35 of the Security Instructions contains a reference to the Fourth Geneva Convention, which is made source of law, since it states that in case of conflict between the Security Instructions and the Convention, "the provisions of the Convention shall prevail". But Order No. 144 containing Amendment No. 9 (22 October 1967), referring to the Security Instructions of the West Bank, has replaced the reference to the Convention by a provision about the period of detention. The legal material available does not allow a firm conclusion that this amendment has also been made in respect of the Security Instructions of the other occupied territories.

31. Order No. 2 concerning prohibition of looting, which corresponds to article 33 of the Convention, reads as follows: "Any person who loots, or breaks into a house, or other place, for the purpose of looting, or who knowingly aids and abets looting, shall be liable to a penalty of imprisonment for life".

## 2. Courts and jurisdiction

32. Section 5 et seq. of the Security Instructions established a separate penal law for offences defined in the Security Instructions and the subsequent orders. Military courts are established which are to follow a particular procedure as regards evidence, witnesses, preparation of records, summoning of witnesses, arrest for failure to appear. The instructions also contain provisions concerning the finality of decisions and the presentation of the defence.

33. The conviction and sentence of a person by a military court shall be valid only in so far as they are confirmed by the regional commander (section 38); he also has the power to review the sentence.

34. Concerning the procedure to be followed by the military courts reference is made to section 35 of the regulations and to paragraph 29 of this report.

## 3. Offences

35. Section 44 et seq. enumerate a list of offences: use of firearms, explosives, carrying of firearms, explosive substances, offences against maintenance of public order, disguising, giving refuge, false witness, aiding and abetting, attempt to commit offences, interference in Israel Defence Force affairs, information of military significance, hindrance of soldiers in the performance of their duties, possession of military equipment, threats, failure to give information, giving of false information.

## 4. Detention, search, seizure and confiscation

36. Section 60 et seq. contain provisions about arrest and detention, seizure and confiscation. This refers to offences created in the Security Instructions on the basis of considerations of security. They would not refer to offences under the common penal law.

37. The confiscation clause is wide: goods, articles, documents or objects with respect to which an offence against the security regulations has been committed shall be confiscated in favour of the Israel Defence Force. The release of such goods can be ordered.

38. Section 62 permits the search of any place and person.

39. Section 66 et seq. give the basis for making further restrictions in individual cases and for putting a person under special surveillance.

40. Section 67 authorizes the putting of persons under administrative detention. An advisory committee is in this case competent to make a judgement on detention of this kind "at least once in six months whether or not the detained persons appeals to it".

5. Other restrictions

41. Section 68 contains provisions prohibiting the use of roads, concerning the control of vehicles and of the movement of persons, and declaring an area a closed area.

E. Israeli legislation in the occupied territories in relation to the Fourth Geneva Convention

1. Physical safeguard of the civilian population

42. Article 33 of the Convention establishes individual responsibility. It states: "No protected person may be punished for an offence he or she has not personally committed...". Section 72 of the Security Instructions, however, makes a person responsible if he is a leader of a convicted organization, regardless of his individual responsibility. It states: "If an organization is convicted of an offence against this order, any person who at the time of the offence was a leader or official of the organization shall be deemed to be guilty of that offence, unless he has proved that the offence was committed without his knowledge or that he took all reasonable steps to prevent its commission."

43. The order concerning prohibition of looting (Order No. 2, Golan Heights) relates to article 33, paragraph 2, of the Convention.

44. Article 68 of the Convention does not prohibit death sentences absolutely. By Order No. 268 (West Bank), No. 328 (Gaza and northern Sinai) and No. 146 (Golan Heights), the death penalty is abolished.

2. Penal legislation and procedure (articles 64 to 75 of the Convention)

45. The various security orders do not concern the common penal law. They may be considered, in a sense, martial law, within the Convention (see article 5 of the Convention); nevertheless, section 35 of the Security Instructions makes reference to the Geneva Convention.

46. The different orders and regulations of the Israel Defence Forces which create offences and provide for their adjudication and punishment introduce in fact a new penal system. This, however, may be interpreted as consistent with article 64, paragraph 2, of the Convention, which reads as follows:

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

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

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48. In so far as the military courts replace the ordinary courts in penal matters, a separate legal aid and defence system is established. This, as such, is not contrary to the Convention. (For the West Bank, see Order No. 143 in relation to article 72 of the Convention; for the Gaza Strip see Order No. 262.)

3. Respect for the property of civilians (articles 3 and 53 of the Convention)

49. Reference is made once more to the order concerning the prohibition of looting.

50. In the context of the provision of the Convention which prohibits the destruction of property, one may mention the orders concerning abandoned (private) property, which establish a system with the aim of restoring eventually the abandoned property to the original owner in law, or possessor in fact.

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51. On the other hand, the Security Instructions provide for the confiscation of goods, articles etc., in favour of the Israel Defence Forces in case of suspicion of offence against the order (under Proclamation No. 3, sections 61 and 69 of the Security Instructions).

52. The expropriation system in the Jerusalem area introduced by an order of 8 January 1968, in accordance with sections 5 and 7 of the Land Order (Expropriation for Public Purpose) 1943, is described in paragraphs 10-15 above.

4. Guarantees of the institutions and government of occupied territories (articles 47 and 54 of the Convention)

53. A wide interpretation of the spirit of article 54 which, according to the commentary on the Convention<sup>3/</sup> refers not only to judges and public officials but to "the whole administrative and judicial machinery", may lead to the conclusion that article 54 guarantees all the institutions and government of occupied territories. The Israeli authorities, pursuant to Proclamation No. 2 and other orders, replaced the jurisdiction of the ordinary courts by that of military courts. The Israeli authorities also enacted the Law and Administration Order No. 1 (1967) concerning the area of Eretz-Israel (concerning Jerusalem) whereby the law, jurisdiction and administration of the State of Israel apply. The Israeli authorities have taken measures pursuant to that order. The Special Working Group concludes that article 47 is violated if the changes in the institutions or government introduced by the occupying Power in fact and in law lead to a deprivation of the benefits which the Convention affords to protected persons.

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3/ Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva, International Committee of the Red Cross, 1958), pp. 306-307.

CHAPTER III

ANALYSIS OF THE EVIDENCE RECEIVED BY THE SPECIAL WORKING GROUP<sup>4/</sup>

54. The evidence before the Special Working Group consisted of the following:

- (a) Personal testimony of individuals alleging violations of the Convention;
- (b) Oral statements concerning alleged violations of the Convention;
- (c) United Nations documents containing information relevant to the mandate of the Special Working Group;
- (d) Written communications received by the Group alleging violations of the Convention;
- (e) Communications relating to the situation in the Middle East in general;
- (f) Reports of the International Committee of the Red Cross (ICRC) which have a bearing on the mandate of the Special Working Group.

55. The Special Working Group heard witnesses who testified as to their personal experience concerning alleged violations of the Fourth Geneva Convention. The list of names of persons appearing before the Special Working Group appears as an annex to this report.

56. The Special Working Group also heard statements and received communications relating to alleged violations. In particular, it heard a statement by Dr. Burhan Hammad, representing the League of Arab States, dealing with the question of applicability of the Fourth Geneva Convention and setting out the various types of violations allegedly committed by Israel in the territories occupied by it as a result of the hostilities of June 1967. It also heard the testimony of Mr. George Dib (RT.5),<sup>5/</sup> who presented to the Group a detailed

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<sup>4/</sup> This chapter merely summarizes here evidence received by the Working Group. The conclusions which the Working Group has reached on the basis of this evidence are found in chapter IV of this report.

<sup>5/</sup> Reference is to documents series E/CN.4/AC.26/RT. (English text), which for purposes of brevity is cited as RT.

memorandum on the treatment of Arab civilians in the occupied territories on behalf of the Institute for Palestine Studies, Beirut. The memorandum contains data collected by research teams of the Institute, relating to allegations of wilful killing, torture or inhuman treatment, destruction of houses and other property, expropriation of property and pillage, and eviction of Arabs and settlement of Jews. Mr. Dib informed the Group that this information had been corroborated:

(a) By interviewing the persons directly concerned and finding corroboration of the same fact by a number of persons separately interviewed;

(b) By looking for and inspecting traces of alleged maltreatment on the bodies of persons who testify to having been maltreated;

(c) By verifying the accuracy of the evidence by reference to other sources, such as newspaper reports and parliamentary reports.

57. At its twenty-eighth meeting in Cairo, the Group heard a statement by Professor Izzedin Foda of the University of Cairo (RT.20). In his statement and an accompanying memorandum, Professor Foda submitted instances of alleged Israeli breaches of the Fourth Geneva Convention with regard to: (a) expulsion of individuals, (b) destruction of homes, (c) illegal detention, torture and illegal trial, (d) murder and terrorism, (e) hospitals and health services, (f) changes in school schedules, closing of schools and profanation of holy places, and (g) undermining the economy of the occupied territories and looting. Professor Foda based the proof of his allegations on excerpts from reports of the Secretary-General of the United Nations, the Commissioner-General of UNRWA, information gathered by the International Committee of the Red Cross, reports in Israeli and world press, and information collected by the Government of the United Arab Republic as a State involved in the question and harbouring refugees from the occupied territories, in particular from the Gaza Strip and from Sinai. At its twenty-first meeting held in Amman, Jordan, the Working Group heard the statement by Major Derek Cooper concerning the treatment of individuals and the question of the status of the occupied territories under the Israeli occupation régime (RT.13). In this context, Major Cooper stated:

"I should like to stress that there is no doubt whatever in my mind that there has always been a carefully organized pressure by the Israelis to oblige the indigenous population of Palestine to leave the country by every means at their disposal, which has included intimidation, endless house-to-house searches, day and night, under any pretext whatever, the billeting of troops, monetary and psychological pressures, lack of jobs, bribes, bad treatment, and the blowing up of property. In other words, if you do not co-operate, you can leave. That was virtually admitted to me in a conversation with Mr. Michael Comay in Jerusalem ..."

58. A number of allegations concerning ill-treatment of civilians and destruction and looting of civilian property were made in letters from the representative of Syria on 15 June 1967 (S/7991), 6 July 1967 (S/8037) and 19 July 1967 (S/8077). These letters were referred to by the representative of Israel in letters dated 23 June 1967 (S/8012), 4 July 1967 (S/8030), 7 July 1967 (S/8042) and 2 August 1967 (S/8105). These were denied by the representative of Israel.

59. In a letter dated 17 July 1967 (S/8064), the representative of the United Arab Republic communicated the text of a note sent by the Minister of Foreign Affairs of the United Arab Republic to the International Committee of the Red Cross dated 7 July 1967. This note contains a list of examples of acts in violation of the Fourth Geneva Convention, in particular, articles 3, 16, 18, 49, 53, 54, 55, 89, 91, 92, 106 and 108. The representative of Israel, by letter dated 19 July 1967 (S/8082), categorically denied these allegations and made references to measures taken by Israel to alleviate the suffering of the civilian population.

60. The Special Working Group also took into account the information contained in United Nations documents; the attention of the Special Working Group to these documents was drawn by the League of Arab States by letter dated 19 June 1969. Where the information contained in these documents relates to the same subject matter as that of oral testimonies these documents are referred to in the analysis of the evidence which follows.

61. The Special Working Group also received a number of written communications concerning alleged violations of the Convention. A number of these communications were received by the Working Group during its field trip in the Middle East; shortage of time unfortunately prevented the Working Group from hearing the



individuals in person. The other communications were addressed to the Working Group by cable or mail. These are listed in the annexes to this report.

62. The Special Working Group also received a number of communications concerning the situation in the Middle East in general. The list of these communications is reproduced in the annexes.

63. The following is the order adopted in analysing the allegations received by the Working Group:

(a) Allegations regarding the physical safeguard of the civilian population, including children and treatment of detainees. These allegations concern articles 27, 30, 31, 32, 33, 34, 49, 50, 55, 56 and 76 of the Convention;

(b) Allegations regarding violation of articles 64-75 relating to penal legislation and penal procedure;

(c) Allegations regarding respect for property of protected persons, covered by articles 33 and 53;

(d) Allegations regarding the eviction and deportation of protected persons and the prohibition of transfer of population of the occupying Power to the occupied territories (article 49);

(e) Allegations regarding the non-observance of article 54, which sets forth the guarantees of the institutions and government of occupied territories;

(f) Allegations regarding the non-observance of article 30 concerning the implementation of the Convention.

A. Allegations regarding the physical safeguard of the civilian population including children and treatment of detainees

1. Killing, torture and ill-treatment of individuals other than detainees

(a) Murder of individuals

64. Mr. Abu Mohammed Kubei (RT.8) stated that on 11 June 1967, Israeli troops had invaded his house, stood his son and a friend of his up against the garden wall and shot them both. The son was killed and his friend was wounded. The following day, the Israeli troops again visited the house. They placed the wounded man on the same bed as a second son of the witness who was bedridden with tuberculosis and shot both dead in the bed (pages 36-40).

65. According to Mr. Mohammed Abdil Meguid (RT.9) on 15 June 1967, Israeli troops occupying the village of Ein Zewair, near Quneitra, had shot an old woman and they had thrown her body into a well. The witness also stated that on 18 June 1967, the Israelis had shot and wounded the village mukhtar (page 81).
66. Mr. Tayyim El-Ghuzzi (RT.9) stated that Israeli troops shot and killed one man and one woman during their forced eviction from their village of Bteiha on or just before 12 June 1967 (pages 91-95).
67. Dr. Mohammed El-Bek (RT.21) testified that when the Israeli troops entered the El-Arish area, he and his wife were made to stand against the wall with their hands in the air, together with some other civilians. Some of these were then shot down in his presence and the Israelis refused to allow the victims to be taken to hospital. He and his wife, who was near to giving birth, were left without food and water for two days. The witness also stated that he had seen Israeli troops bring two Arab students before his house, kill one and shoot the other in the head. He also stated that doctors had also been beaten up and terrorized.
68. Mr. Gutyam Nasser Selmi (RT.20) stated that his brother was shot and killed by the Israeli troops in his house before the witness; this took place twenty-three days after the first Israeli attack in Bir el-Abd.
69. Mrs. Maha El-Zirbawi (RT.20) testified that Israeli troops in El-Arish had driven her and her family from their apartment and had shot and killed her father and her two brothers. The Red Cross had eventually arranged for her and her brother to reach Cairo.
70. According to Kamel El-Harouni (RT.20), his brother was shot in the leg and soon after shot and killed by Israeli troops who were searching for the witness on 28 September 1967. In an earlier attempt to contact him, Israeli troops arrested the witness's wife and mother-in-law and informed them that they (the Israelis) would kill the witness's children if he did not show up at Israeli headquarters on the following day.
71. Mr. Yehia Abou Shahla (RT.18) said that two persons, Kadi el Kadi and Shawky el Farra, had been killed by Israeli troops without legal proceedings in the first half of July 1967. The witness further testified that one of his neighbours, Mr. Khadry el Dayer, Secretary of the Palestine School, had been

murdered by the Israelis in his bedroom together with his son for no reason at all. The witness drew the attention of the Special Working Group to the execution a few months earlier of Dr. Heidar Abu Shafi, head of the Islamic Tribunal in Gaza and a Gaza lawyer Mr. Fayzy el Husaini. The witness could not see any reason for these executions except that the two executed persons had submitted a protest to the Military Governor about the looting by Israeli troops and the taxes levied on the population. The witness further testified that he had seen dead bodies lying in the streets one week after the occupation. The Israelis had refused to give up the bodies to relatives; they had loaded them into lorries and thrown them into ditches.

72. Miss Aisha Vati Ghazy (RT.18), eighteen years old, testified that two weeks after the commencement of the June 1967 war, the Israelis shot down her father before her eyes as they entered the house. She tried to prevent them and cried bitterly, but the Israeli soldiers fired at her and wounded her severely in the arm and knee. Her uncle and cousin had also been badly beaten. She herself had remained in the house one week in order to care for her wounded uncle. People working in the street had eventually entered and found that there were dead persons within and had taken her to the hospital. It had been necessary to amputate her right arm, and she had received an artificial arm which she showed to the Group. Four or five months after the war, the Israelis had beaten the aunt of the witness and shot down her cousin.

73. Mrs. Fatma Mahmoud Abdallah (RT.19) stated that when the Israeli troops entered her village, they broke down the door of her house and fired at her husband and children. Her husband had been killed, and one of her five children had been injured in the head.

74. Mr. Salmud Mahmoud El Yemen (RT.19) testified that one man he knew, Sid Ahmed Soliman Atallah, had been killed by the Israelis because he had defended his wife and children in Bir el-Abd.

75. Miss Camilia Kamal Soliman El Zirbawi (RT.17) testified that her uncle and two cousins had been killed and her father wounded in the same episode as that when she was shot in the head.

76. Mr. Salem Gowa Ghorab (RT.17), chief of the Dawaghere tribe of the Bir el-Abd region of Mousfig, testified that one or two months after the occupation of the village, a boat with six persons on board which had been bringing drinking water from the Bardaweel Lake to his village had been destroyed by the Israelis and the occupants killed. Two fishermen on the Bardaweel Lake had also been killed by machine-gun fire from helicopters.

77. Mrs. Narges El Sayed Ibrahim (RT.17) stated that she had been asleep in a room with her husband and children when the Israelis had broken down the doors and burst into their house. They had made her children and herself lie on the floor, while they slit her husband's throat with a bayonet. The blood stains could still be seen on the stone floor. The Israelis had threatened to cut the throat of the seven-year old son of the witness if she refused to do what they said. The boy had been very roughly treated by the Israelis and his arm was still badly dislocated and deformed.

78. Mohammed El Attar (RT.19) testified that one night he was escorting a pregnant woman for medical treatment. He was a policeman. They were accosted by an Israeli patrol who shot and killed the eight-month pregnant woman.

79. Other instances of murder were alleged in communications to the Secretary-General. In a letter from the Permanent Representative of Jordan on 8 August 1967 (S/8115), it was stated:

"On the morning of 26 July 1967, the Israel armed forces arrested eight Jordanian citizens near Auja village. After being searched and their possessions confiscated, they were forcibly taken to the Hayek Bridge on the Jordan River, where they were brutally beaten with rifle butts and machine-guns.

"According to Ali Hassan Ali Suleiman, an eye-witness and the only survivor, the victims were told to swim to the east bank. They were later thrown in the river and seven of them were shot in cold blood.

"Ali Hassan Ali Suleiman, who escaped death by diving under the water and hiding behind a bush, is now undergoing medical treatment at Salt Hospital."

This letter was answered by the Permanent Representative of Israel in a letter of 16 August 1967 (S/8123) which contains the following statement:

"Towards the end of July, several instances occurred of armed infiltrators attempting to cross into Israel-controlled territory. After they had opened fire, they were driven back. No unnecessary force was employed on any of these occasions."

(b) Torture and ill-treatment of individuals, other than detainees

80. Mr. Mohammed Kader Derbas (RT.19) testified that he had been castrated in Gaza. The operation took place when the witness was hospitalized for treatment. The witness was examined by a physician duly appointed by the Working Group, who reported that Derbas had been castrated and that otherwise he was in good health (see report of Dr. Choukri in RT.20). The Working Group also took note of a report by two doctors presented by Professor Foda in an annex to his written memorandum (RT.20).

81. The witness also stated that several other men had been castrated who were unwilling to testify before the Working Group.

82. Miss Camilia Kamal Soliman El Zirbawi (RT.17), fifteen years old, testified before the Group that on 7 June 1967, she had been shot in the head by an Israeli soldier. The episode had occurred in one of the bedrooms of her home in El-Arish. The Israeli soldiers who had fired the shots had been at the door of the room. They had fired at random into the room. The witness had been hit in the right temple, and was still slightly paralysed on her left side. The shooting had occurred when her house at El-Arish had been surrounded by tanks and a number of Israeli soldiers had rushed in. They had struck the children with rifle butts and her younger brother had been knocked unconscious. When her mother had attempted to stop them she had been thrown to the ground. The witness had rushed to help her mother and had been shot in the head. The witness stated that there were no members of the resistance in the house, nor had any of her relatives participated in the resistance.

83. Mrs. Dawlat El Sayed Allam (RT.18) testified that the Israelis had come to her house during lunch. Her sixty-five-year-old husband, and her eight children had been present. They had been lined up and asked for their identity cards. Her husband had said he was a Sheikh and knew nothing about any soldiers. The Israelis had then beaten him savagely. She had been tied up and the Israeli soldiers had attempted to rape her. Her fifteen-year old son had seized a knife and attacked the soldiers, who had killed him. They had then raped her. The witness had been raped a second time by Israeli soldiers when she had tried to get to Egypt. The witness stated that she had not been the only woman treated in that way in the village, and some who had resisted rape had been killed.

84. Sheikh El-Hersh (RT.19) stated that as he and his family were moving towards Egypt after being forced from their home (Bir el-Abd), one of his daughters had died of thirst since they had no food or water.

85. Mr. Nasser Salem Salama (RT.19) testified that when the Israelis asked the villagers of Bir el-Abd who their chief was and when he had come forward, they tied him up, robbed him of everything and struck him with a rifle butt in the left cheek. His house was burned down.

86. Witness E (RT.19) also stated that she had been sexually molested by the Governor of Nablus Prison when she went to him to obtain permission to visit her husband. The same witness also stated that, according to her information, four other girls had been taken into a nearby room by Israeli officers who raped them.

2. Ill-treatment of civilians in groups, including mass killing

(a) Mass murder

87. Mr. Emil Anton El-Ghourri (RT.6) testified that there was indiscriminate and mass shooting of civilians by Israeli troops in Jerusalem streets after the cease-fire (pages 29-30). He submitted a list of the names of 190 persons who had been killed in this manner. In his testimony, Archbishop Diodoros (RT.12) speaks of the presence of several corpses in the streets of Jerusalem during the period immediately after the cease-fire (page 26).

88. Mr. Mahmoud Saleb Sejj (RT.6) stated that in Jericho, immediately after the Israeli troops had moved in, any person who attempted to flee the city was shot and that he himself had seen thirty-four corpses (page 61).

89. Witness C (RT.13) refers to the fact that in one village nine youngsters had been shot to death in front of their families (page 26-30).

90. Mr. Salen Nazani (RT.15) from the Noseirat tribe and the village bearing the same name, stated that four men had been summoned by the Israeli army and summarily shot as they approached the place to which they had been summoned. This took place on 29 November 1967. The following day, the whole population of the village was ordered out (page 26).

91. Sheikh Abu Rashed (RT.16) testified that the Muktar (Al-Rawachdi tribe) and his family, Abu Scheiban, were murdered by the Israelis and buried in a mass grave; they were refugees who lived in the Rafah camp in Gaza.

92. Abdel Rahman Nasr (RT.16) an eleven-year old boy, stated that he had seen several adults being herded by the Israelis to rubbish heaps outside the refugee camp (Rafah), shot down and their bodies covered over with the use of bulldozers.
93. Sheikh Salem Aly el Hirsh (RT.17), chief of the tribe in the Rabaa District from region Bir el-Abd, testified that when the Israelis had entered the village, they had forced the villagers to lie on the ground, had begun to shoot at them and had killed two men of the tribe named Soliman Aly Nasser and Nasser Awda Nasser.
94. According to Mr. Kasseh Daoud (RT.8), seven young men of those who had been taken as hostages were summarily shot dead by the Israelis on 15 June 1967. The witness further stated that when the village population was marched out, they were covered by machine-guns mounted on jeeps; the Israelis shot at anyone who strayed or who looked back (pages 71, 81-85).
95. Mrs. Nimet Mahmoud Saleh (RT.9) stated that three days after the Israelis occupied her village (Tel Avra), they had forcibly evicted the villagers and after five days of walking, through the demilitarized zone to the combat lines, the Israelis had picked sixteen young men and had shot them in cold blood. Her husband was among these (page 46).
96. Mr. Hussein Khaled Naajel (RT.9) who testified in Damascus, stated that three days after occupation, Israeli troops had evicted the village population and in doing so they had picked sixteen young men and shot them. He stated that his wife had tried to prevent the murder of her four sons and she too had been shot dead (page 61).
97. Mr. Tayyib El-Ghuzzi (RT.9) stated that on 13 June 1967, as the villagers of Bteiha were being marched to the cease-fire line by the Israelis, they had singled out six men and shot them in cold blood (pages 91-95).
98. Mr. Mohammed El-Attar (RT.19) said that in early July 1967, in the Gaza Strip, Israeli troops had picked three men from a number that they had assembled and had shot them dead. One was a teacher, one was a shoe-shine boy and one was a labourer. As the Israelis dispersed the men they shot over their heads, killing another two.
99. Mr. Souhair Moussa Ibrahim (RT.19) stated that twenty-five days after the Israeli attack, Israeli soldiers had suddenly surrounded his tribe and killed thirty-seven civilians.

100. Mr. Ibrahim Abu Seheiban (RT.14) witnessed the killing of a number of persons in Awadhira Camp on 11 June 1967. He stated that thirteen corpses had been counted in the ruins of a secondary school that had been demolished, including that of his father and his two brothers, who had previously been taken away from his home by Israeli soldiers (pages 71-75).

101. In a letter dated 9 April 1969 (S/9141), the representative of Syria states that Israeli soldiers captured six Syrian shepherds in Brika and murdered them in cold blood.

(b) Mass torture and ill-treatment

102. Mohammed Kassem Daoud (RT.8) stated that several persons were taken to the house of a wealthy farmer and they were put in several rooms facing the wall with their hands raised above their heads. They were kept like this for three days. They were then taken out and told to dig trenches; they were made to stand in these trenches each day for three days. On the fourth day they were made to stand holding heavy stones above their heads. They were then told to leave the village or be shot and buried in the trenches that they had dug (pages 62-71).

103. Rev. Elia Khouri (RT.12) stated that in Ramallah, over a period of time up to March 1969, he witnessed Israeli soldiers mercilessly beating up men, women and children at random outside their homes (pages 32-35).

104. According to Miss Camilia Kamal Soliman El Zerbawi (RT.17) fifteen years old, in El-Arish, the Israeli troops entered the houses in the middle of the night and treated the women and children very brutally. It was also their habit to go round the streets carrying empty beer bottles and, when they met civilians, to break them over their heads. One of her brothers, aged eighteen, had suffered a broken leg from Israeli beatings. Subsequent to this, he had been arrested and held in prison for two months.

105. Sheikh Soliman Moussa Ibrahim (RT.17), who is chief of the El Rawayeh tribe from Beir el Abed in the Bteiha Zone in the Sinai region, testified that the Israelis had passed through his village at the commencement of hostilities. Two weeks later they had returned and forced the inhabitants to leave their houses. On this occasion, some members of his tribe had been killed by machine-gun fire.



105. In a letter to the Secretary-General dated 19 August 1969, the Permanent Representative of Jordan (S/3750) stated that certain acts of lawlessness had taken place in Jerusalem against Arab inhabitants. The letter further states:

"Yesterday, 18 August, hundreds of Israeli youths poured into Arab Jerusalem and attacked Arab residents, stoned Arab taxis and buses, smashed windows, thus injuring scores of innocent civilians, some of whom were seriously wounded. The mobs roamed through the streets for over an hour bringing havoc and fear. Again, as in the June war, looting took place and Arab stores were attacked and property destroyed. The Israeli police, whose headquarters are very close to the scene, apparently was not instructed to intervene until the Israelis mobs had completed their job."

107. This letter is referred to in a letter from the Permanent Representative of Israel of 21 August 1969 (S/3756) which states:

"The letter purports to give an account of an incident that occurred in Jerusalem on 18 August. It deliberately omits, however, the essential facts. It does not mention that the incident began with three premeditated and planned terror attacks carried out by terror organizations operating from Jordan. It fails to mention that ten persons were injured, two of them seriously, by explosions of timing devices placed at the Bikur Holim Hospital, the central bus station and a gasoline station. The letter omits also the fact that the Jerusalem authorities condemned the outburst of a number of Jewish youths incensed by these terror attacks against innocent civilians; that a number of the young men implicated were arrested and immediate steps taken to end the turbulence and prevent its recurrence; and that Israel's Deputy Prime Minister and the Minister of Defence defined it as hooliganism which plays into the hands of the El-Fatah.

"On the other hand, the Jordanian Government has failed to dissociate itself from acts of violence and murder directed against civilians. On the contrary, it supports them and even actively participates in them. Indeed, the Jordanian Government has repeatedly avowed its adherence to terror warfare, which constitutes a grave violation of the cease-fire. This warfare is pursued from Jordanian territory by inhuman and cowardly attempts at random killing and maiming of innocent civilians, Jews and Arabs, men, women and children, without the pretence of any military objective. Among the methods frequently employed in these attacks are the placing of explosives in theatres, bus stations and crowded streets, the dispersing of button-shaped mines in school yards, the throwing of grenades into stores and the sabotage of agricultural installations and vehicles.

"The citizens of Jerusalem, Jews and Arabs alike, have repudiated the incident of 18 August, and the city continues on its course of normal life and development marked by coexistence of the two peoples which are weary of conflict and shrink from the warfare of terror, murder and hate inspired by the Arab Governments."

108. References to ill-treatment of groups is also made in a number of letters from the Governments of the interested States. In a letter dated 15 June 1967 (S/7988), the Minister of Foreign Affairs of the United Arab Republic stated:

"Upon instructions from my Government, I have the honour to bring to your attention the following:

"(1) The Israeli authorities, after their occupation of Rafah and El Arish, launched brutal and inhuman attacks by shelling and thereby severely damaging the hospitals in both cities, which were crowded with wounded military personnel and civilians as well as of their medical staff.

"(2) The Israeli authorities have been shooting at the civilian population of the Gaza Strip and Sinai indiscriminately and for no apparent reasons.

"(3) The Israeli authorities, not satisfied with destroying the civilian installations, hit at ambulances and looted stored children's food.

"(4) Hundreds of wounded have been left to die helplessly from thirst in the scorching heat of the desert. The Israel authorities refused adamantly to transport them to the eastern side of the Canal. They have been left to their fate and, in order to live, they have to walk under these conditions, no less than 180 kms.

"This inhumane conduct has been practised ever since the outbreak of hostilities and is continuing notwithstanding the cease-fire call. Not only have the Israeli authorities constantly and consistently refused to extend any help to those unfortunate people but have also continuously obstructed any attempt by the International Red Cross to extend its assistance."

109. The Permanent Representative of Israel in a letter dated 20 June 1967 (S/9003) referred to the allegations made in document S/7988 and stated:

"The allegation that the civilian population was attacked is untrue. No civilians were attacked by the Israeli forces, except when they took an active part in the armed hostilities, or gave cover to armed forces. As is known, there were irregular Arab forces operating in the area.

"Military personnel and civilians in the areas controlled by the Israeli forces, who were wounded during the hostilities, are given the same treatment in the same hospitals as Israeli casualties.

110. In his letter dated 26 September 1969 (S/9456), the representative of Jordan referred to the ill-treatment of the population of the village of Al-Khalil. This allegation referred to the closure of the central market by the military authorities, where food, clothes and other materials are transacted; reported spoiling of foods by Israeli soldiers by mixing rice with sugar and pouring petrol over flour; arresting inhabitants and leaving them naked in the sun, and cutting off Al-Khalil from the rest of the area so that no supplies, including medical materials could be carried to the city. The same letter refers to alleged similar treatment meted out by the Israelis in Beit Sahour. The allegation refers to the twenty-two-hour curfew imposed on 29 August 1969 and still in force on 26 September 1969, and the representative of the International Red Cross being forbidden to enter the town, as well as the representative of the Holy See.

111. The representative of Israel, in his letter dated 7 October 1969 (S/9466), referred to the allegations contained in document S/9456 and stated:

"After a series of terror and sabotage acts in the area of Hebron and Beit Sahur, causing the death of several civilians and disrupting public order, the authorities were compelled to take appropriate preventive and police measures to ensure the safety of the population for which they are responsible. These measures concerned in particular restrictions on traffic to Jordan and their purpose having been attained they have already been terminated."

112. In his letter of 25 November 1969 (S/9511), the representative of Jordan also drew attention to the ill-treatment of civilians in Gaza in a newspaper report attached to his letter. The report, entitled "Eye-witness in Gaza", had been published in the British newspaper Sunday Times on 23 November 1969. The report refers, inter alia, to the hunger prevailing in the Gaza area among civilians, and curfews imposed arbitrarily as a reprisal. The report quotes an Israeli soldier, and with regard to curfews imposed as a reprisal, it states, inter alia:

"In the tougher cases, the same curfew rules applied, but only the women were kept indoors. The men were driven into the desert in trucks and sometimes beaten up on the way. When they arrived at an isolated spot, they were divided according to age into two groups. They were then forced to squat on their haunches in the sun under guard for several hours - he says for as long as eight hours at a time.

"There were also harsher measures, which the witness says were common knowledge among soldiers serving on the Strip this summer, but which he never witnessed himself. He says that during a coffee party in his tent (the Israeli army is dry), half a dozen soldiers told him the best way to combat terrorism was to bind suspects tightly with electric wire on arms and legs, and leave them in the sun.

"These were not young soldiers telling tall stories, he says, but mature reservists chatting unemotionally, without even much interest (which was the single thing that made the deepest impression on him). He also says they reported beating Arab men on the shins with the butts of automatic weapons, sometimes until their legs were broken.

"How accurate are these accounts? And do the events they describe result from official policy? The first question is desperately hard to answer. Many Arabs around Gaza have told me similar stories in the last weeks, but even President Nasser could not call them good witnesses. They were vague on details. They were carried away by their own rhetoric (even filtered through an interpreter) and evidently biased.

"On the other hand, an Arab professional man - he is under such pressure that I cannot even say which profession - gave a similar account. And this was also largely confirmed in the course of a series of extremely guarded conversations with international workers in the area, most of whom are concerned, above all, to avoid offending the occupying authorities.

"Moreover, they are frankly terrified that any statement of theirs will be used to prevent them from continuing all kinds of essential services.

"All of these witnesses, some of whom have spoken at first hand, and others only through hearsay, must be treated with some reserve. But the Israeli soldier, I believe, is in a different category.

"He is not only a Jew; he is a devoted one. He has served in the Israeli army during two wars. He is a highly educated man, and indeed one of some distinction in his profession. He knows people, Israelis like himself, who have told me very similar stories. Finally, this witness, who, it should be said, is unlike the majority of dissident sources in Tel Aviv in that he is anti-communist, has gone so far as to swear a detailed statement which is in the possession of the Sunday Times."

(c) Use of napalm against civilians

113. Mr. Sami Oueida (RT.6) testified before the Group that he and his family had been attacked by three aeroplanes as they fled Jericho on 9 June 1967. He stated that they were alone and clearly distinguishable as civilians; that his daughter was killed in this attack and that he and some members of his family were severely burnt by the incendiary bombs that the aeroplanes had repeatedly dropped around them (pages 51-55).

114. The Working Group at its twenty-third meeting saw Souhair Maraqa, a six-year old girl, who showed burns over most of her body. Her father, Mohammed Maraqa, who escorted her, testified before the Group, that she had suffered on 7 June 1967 near Jericho, napalm burns over most of her body (RT.15).
115. Dr. Kamal Malek Ghobriel (RT.17) who had been working at the Public Health Hospital at El-Arish from the beginning of hostilities until September 1968, had witnessed six cases of napalm burns, some of which had been transferred to Cairo for skin grafts.
116. According to Mr. Abdulghani Sheik (RT.9), he and his fellow villagers of Keshneya had suffered napalm (and bomb) attacks after the cease-fire on 10 June 1967 (pages 7-10).
117. Sister Marie Therese Lacaze (RT.15) stated that in Jerusalem, she had seen children who had been burnt by napalm. Her testimony referred to the period from 14 June to 1 July 1967 (page 12).
118. Reverend Paul Cauthier (RT.15) testified that on 7 June 1967, he had seen twelve persons who had been burnt by napalm. These persons were hospitalized in the Indian Hospice in Jerusalem (page 19).
119. Dr. El Bek (RT.21) stated that some doctors and patients were killed when the Israelis threw incendiary bombs on the hospital at El-Arish.
120. The Minister of Foreign Affairs of the United Arab Republic, in a telegram to the Secretary-General on 15 June 1967 (S/7993), stated that Israel used napalm bombs and heavy artillery and tanks against hospitals, youth camps and schools. The contents of this letter were denied by the Permanent Representative of Israel in a letter dated 20 June 1967 (S/8003).

(d) Medical supplies, health and hygiene

121. Dr. Kamal Malek Ghobriel (RT.17) who had been working at the Public Health Hospital at El-Arish from the beginning of hostilities until September 1968, states that the health situation in the town had deteriorated rapidly, mainly due to the lack of medical supplies and trained personnel, but also in part, due to serious economic deterioration. The food situation had been most unsatisfactory throughout the period. The hospital had been forced to obtain food from the

civilian population, since its request for supplies from the Israel authorities had been held in suspense for months. Finally a concessionaire from Gaza had supplied food by arrangement with the hospital authorities. The situation regarding medical supplies had been similar. One lorry-load of antibiotics, which had arrived in August 1968, contained medicines which had been out of date since February 1968. The witness had regularly reported such cases to the Red Cross representative in Gaza who had himself been an eyewitness to some of them. The hospital had been without an operating theatre for the months of June and July 1968. In August 1968, a hospital from Tel Aviv had taken over control of the El-Arish Hospital and had promised that doctors and nurses would be sent. In fact, four very recently qualified Israeli doctors had been supplied, but no specialists, who were urgently needed. The main need had been for surgeons, but the Israelis had sent none. The witness had drawn the attention of the Military Commander of El-Arish to the acute danger of a tuberculosis epidemic in the area, mainly due to lack of food. Other diseases that had become prevalent, such as hypertension and diabetes, had been due to the nervous depression caused by Israeli terrorism and to lack of medicine.

122. Dr. Mahmoud El-Bek (RT.21) testified that the public water supply in El-Arish was cut off by the Israelis and as a result, many children had died because of epidemics.

123. Mrs. Nancy Abi-Haidar (RT.7) stated that after the cessation of hostilities, relief agencies had not been allowed extra supplies to deal with the situation. She stated that a Red Cross team had been shot at whilst trying to bring in extra supplies across the Jordan.

124. Witness B (RT.7) stated that in a village outside Jerusalem, a serious health hazard was caused when a large rubbish dump was created near the village; she said that this rubbish dump had been put up by the Israelis despite the fact that there were incinerators in good working order which were not being used. The witness was referring to the period of the second week of August 1967.

(e) Labour

125. Mr. Hamdi Ali El-Khalili (RT.21) stated that in El-Arish, many people had been forced to carry out unpaid labour for the occupying authorities.

- (f) Text of articles of the Convention relative to the evidence analysed in foregoing sub-sections 1 and 2:

"ARTICLE 27

"Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

"Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

"Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

"However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

"ARTICLE 31

"No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

"ARTICLE 32

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

"ARTICLE 33

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited.

"ARTICLE 36

"Departures permitted under the foregoing article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connexion therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

"The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

"ARTICLE 55

"To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary food-stuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

"The Occupying Power may not requisition food-stuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

"The Protecting Power shall, at any time, be at liberty to verify the State of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

"ARTICLE 56

"To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

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"If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of articles 20 and 21.

"In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory."

3. Torture and ill-treatment of detainees

126. Mr. As'ad Abdul Rahman (RT.6 passim) stated that he had been beaten and terrorized several times in the Muscovite Prison, Sarafand Prison, Ramleh and Ramallah Prison during his interrogation.

The same witness also testified that physical and psychological torture was practised on other prisoners, in particular in Sarafand Prison, and he submitted a list of kinds of torture that he knew was practised.

127. The statement of Mr. Rahman was communicated to the Secretary-General in a letter from the Permanent Representative of Jordan of 7 January 1969 (S/8961). In a letter of 13 January 1969 (S/8965) the Permanent Representative of Israel referred to the statement of Mr. Rahman and stated the following:

"... This is undoubtedly the most scurrilous document ever to be circulated in the United Nations. It is atrocity mongering of the cheapest and most vulgar kind and unworthy of the attention of any State Member of the United Nations...."

128. Rev. Elia Khouri (RT.12) stated that he saw and heard evidence of beating and abuse of young detainees in Ramallah Prison during his own detention in March-April 1969. He also stated that he had been shown a young detainee who had suffered a beating and he was threatened with receiving the same treatment (pp. 41-54).

129. Witness C saw evidence of beating of twenty-five girls in March 1969 in Nablus Prison and in the Muscovite Prison in Jerusalem. She also stated that she had heard cries from the room next to hers in the Muscovite Prison where she had seen persons being taken in and being brought out showing signs of having been beaten.

130. Mrs. Abla Tahha (RT.14) testified as to her own experiences of torture mostly during interrogation; she was pregnant at the time, and her torture was spread over a period of seven months (July 1968-February 1969). She stated that she had suffered torture in the Muscovite Prison in Jerusalem, Haifa Prison and Ramleh Prison. She had also been in Abu Kebir Prison in Tel Aviv and Nablus Prison. Mrs. Tahha told the Group that she had been severely beaten on various areas of her body, especially her abdomen; she was also burnt with cigarette butts all over her body and on these occasions she was stripped naked by Israeli prostitutes with whom she was sharing a cell. She also stated that acts of lesbianism were committed by Israeli women on Arab women prisoners; an attempt was made to have her participate in these acts of lesbianism (pp. 11-15, 26). The witness also stated that she had seen her friend Lutfia El-Hawari being tortured. She said that Miss El-Hawari had had her teeth knocked out during her torture. She also said that in Nablus Prison there was a Bethlehem woman with six children, the youngest of whom was one and a half years old (p. 36).

131. Mr. Ismael Abu Mayalan (RT.16) stated that he was the husband of Abla Tahha. He was tortured during detention and his wife had also been tortured. His brother had also been tortured and as a result, he remained in a poor physical condition (p. 32).

132. The alleged torture of Abla Tahha and Lutfia El-Hawari is referred to in an interview given by Dr. Felicia Langer, their attorney, and reported in the publication Palestina och Israel by Staffan Beckman (Stockholm 1968, Rabén and Sjögren, pp. 104-108). (See annexes.)

133. Mr. Yahya Hassan El-Qatrash (RT.15) testified as to his torture during interrogation. He described his tortures in the Sabs Prison and the Atlit Prison which took place during his six months in prison following upon the cease-fire. The witness showed the Group the scars which remained on his head and chest as a result of his torture. The witness alleged that his chest was scarred with several bayonet-inflicted gashes and his right forehead and upper jaw had been smashed as a result of being hit with a rifle butt (pp. 28-30).

134. Major Derek Cooper (RT.13) testified that he had gathered evidence from several individuals who had been tortured during their detention by the Israelis, in particular in Jericho Prison. Major Cooper submitted names of such individuals and data regarding their treatment (pp. 82-86).

135. Sheikh Abu Rashed (RT.16) stated that during the ten-month period that he spent in prison (five months in Gaza Prison and five months in Ashkelon Prison), he was beaten regularly. The witness was released and deported in August 1969; he stated that as he had been held as an administrative detainee, he was never brought to trial. He also stated that during his imprisonment he had witnessed a Masri Azam who had become insane after being tortured. Another prisoner, Hassan Abu Teraya, was sharing the cell with Azam and he too had been tortured. The witness also said that he heard cries every night from the torture room nearby (Gaza Prison) and that he had heard that Abu Shaluf, another prisoner, had died because of torture (pp. 7-15).

136. Mr. Hamdi Ali El-Khalili (RT.21), a lawyer, stated that he was detained from 7 February to 24 March 1968 in Gaza Central Prison. He stated that he was beaten and otherwise ill-treated. He had also seen other prisoners being taken in for interrogation and carried out afterwards. The witness also stated that he was never charged with an offence and when released he had checked this with the Public Prosecutor who informed him that no charges had been filed against him (the witness).

137. Mr. Abdallah Gibril Abid (RT.21) stated that he was beaten during his detention in Gaza Central Prison in 1968. He was also kept in a cell without a bed or covering for six weeks. He had reported his ill-treatment at the hands of the Israelis to a representative of the Red Cross who visited Gaza Prison.

138. Mr. Ismail Ahmed Zikri (RT.20) testified that he was constantly ill-treated, beaten and tortured for prolonged periods in Gaza Central Prison. He was always denied medical attention and when he requested to see a Red Cross representative he was told there was none. He was released from prison after fifty-three days.

139. Mr. Mohammed Rabi' El-Sherif (RT.19) stated that he was beaten while under arrest. He also stated that his eighteen-year old son had been tortured extensively. They both lived in El-Arish.

140. Mr. Soliman Moussa Ibrahim (RT.19) testified that he was tortured day and night. He was from Bir El-Abd in the Sinai region.

141. Witness E (RT.19) stated that when she had visited her husband in Nablus Prison in August 1967, she repeatedly saw marks of torture on him.

142. Mr. Ahmed El-Matari (RT.19) testified that he was tortured and beaten repeatedly by Israeli troops during periods under arrest in El-Arish.

143. Dr. Kamal Malek-Ghobriel (RT.17) who had been working at the Public Health Hospital at El-Arish from the beginning of hostilities until September 1968, had witnessed evidence of ill-treatment including torture on patients brought to the hospital from Israeli police posts and the Israeli Army. The witness mentions as examples of ill-treatment and torture: blows from rifle butts on tender parts of the body; burns on the feet of patients with hot wires or iron; blows on the head of patients which had produced concussion and deafness. The witness had personally witnessed one case of a patient subjected to electric shock treatment by the Israeli authorities. The witness also stated that these patients whose feet were burned with hot wires or iron were brought from Israeli police stations in handcuffs and after treatment, had been taken back to the police stations. The witness states that, at an average, there had been ten cases of torture per day submitted by Israeli police posts and two cases per day submitted by the Israeli Army in the period he had done service at the El-Arish hospital after the Israeli occupation. Those cases that had been submitted by an Israeli police post or by the Israeli Army were so registered in the reception room book. He had on several occasions shown the book to the representative of the Red Cross, translating the Arabic entries for him. From August 1968 onwards, the entries were in Hebrew and it had then become impossible for the witness to give indications such as those he had previously inserted.

144. Miss Camilia Kamal Soliman El Zerbawi (RT.17), fifteen years old, testified that one of her brothers, aged eighteen, had been held for two months in prison. The treatment there had been very bad and the prisoners had been forced to sleep on the ground and had been kept short of food and water.

145. Miss Feihag Abdilh Edi (RT.18), eighteen years old, testified that on 14 March 1969, she and her mother had been arrested and accused of belonging to the resistance. She had been beaten and insulted, as a result of which she had limped for three weeks afterwards. To put psychological pressure on her, the witness had been beaten in front of her mother. The person who had tortured the witness had stated that he took great pleasure in doing so. Concerning the methods of torture in the Nablus Prison where she had been detained, the witness stated that these were both physical and psychological. The torturers attacked the sensitive parts of the body, particularly the sexual regions. The witness testified that the following torture had been inflicted on girls she had known in

the Nablus Prison: (1) Nimet Ayoub Kasmal had been struck with a steel bar, and her hand paralysed, and one of the torturers had tried to urinate on her; (2) Sinal Hambaly had been struck with the same steel bar and she had had a nervous breakdown subsequent to torture. One of the torturers had tried to rape her. She had also been drawn by her hair which was long; (3) Fanda El Nabouky had been struck by a torturer on the eyes and ears, and the torturer had attempted to rape her; (4) Siham El Wazany had been beaten and drawn by her hair and one of the torturers had attempted to rape her. The witness further testified that she had learnt through her parents about cases of electric torture and mentioned the names of Rasmeya Aode and Aicha Aode. The witness also knew that Mariam Shakshib had suffered considerable torture. The witness added that there were internee camps where nothing could be proved, but where she knew that young girls were held, and she mentioned the names of Sawsan Saleh, Yahouda Ersh and Rada Abdel Hady. The witness stated that the cases of torture she had personally witnessed had taken place in the Nablus Prison, but that the torturers had been brought from the Muscovite Prison in Jerusalem. The girls arrested and held in the Muscovite Prison had, according to her information, suffered far worse tortures than those who had been held in the Nablus Prison. As examples of what she called psychological torture, the witness mentioned that prisoners would be left without food, they would be forced to witness the torture of others and they were placed in a room next to the torture chamber.

146. In a closed meeting, the Special Working Group also heard evidence of torture and ill-treatment of detainees in Gaza Prison and in the Rafah police station. The information that the Group has is to the effect that during 1968 it was ascertained that certain individuals in detention showed obvious signs of having been tortured, severely beaten and burnt with cigarettes in the face. Some of these individuals are: Mohammed Hassan Lydda, eighteen years of age, Meshmat Mohammed Yassini, Salah Mohammed Keslatat, twenty-four, Khanis Rabi' Abu Nubeira, twenty-five, Youssef Ayed Abu Jadallah, Ibrahim Hassan Abu Deraya'a, Ahmed Aly Abu Magsina, Sawalim Abu Shaluf. In all cases of torture and maltreatment reported, the author was always a policeman rather than a prison warden; prisoners were only allowed thirty minutes of walking per week in a small courtyard. Gaza Prison was also reported as being overcrowded (360 persons capacity, but actually housing 507 inmates), and severely lacking in hygiene facilities.

147. Dr. Ahmed Abu Qoura (RT.16) presented the Group with reports of representatives of the International Committee of the Red Cross on visits to various prisons. With regard to the Hebron Prison, visited on 31 October and 13 November 1968, a report states:

"Conditions during interrogations:

"On the other hand, it appeared from private conversations held with prisoners that suspects were brutally treated during the investigation. The names of some prisoners who bore tangible marks of such maltreatment were taken down by the delegates.

"Duration of the police investigation:

"The delegates noted that the duration of solitary confinement was prolonged; this deprived prisoners of all contact with the outside world and also of any possibility of being interviewed by the representatives of the ICRC."

Another report, on a visit to Tulkarm Prison conducted on 16 October 1968, states:

"Maltreatment

"A rather serious complaint was lodged by the prisoners Kamal Khmaish and Abdul Salam Khmaish. After being arrested together the previous month, they had apparently been beaten with clubs (traces were still visible on the nape of Kamal Khmaish's neck) and electric contacts had apparently been placed inside their ears during their interrogation at the Tulkarm police station.

"The prisoners stated that Sgt. Major Cohen had been present during these tortures during which they had allegedly been given electric shocks until they lost consciousness and bled through the mouth and nose."

148. The articles of the Fourth Convention relevant to the evidence analysed in subsection 3, are also the following:

"Article 31

"No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties."

"Article 76

"Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good

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health, and which will be at least equal to those obtaining in persons in the occupied country.

"They shall receive the medical attention required by their state of health.

"They shall also have the right to receive any spiritual assistance which they may require.

"Women shall be confined in separate quarters and shall be under the direct supervision of women.

"Proper regard shall be paid to the special treatment due to minors.

"Protected persons who are detained shall have the right to be visited by delegations of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

"Such persons shall have the right to receive at least one relief parcel monthly."

4. Ill-treatment of children

149. Witness A (RT.7) stated that in Ramallah in 1968 some children of a Protestant mission school had staged a sit down strike in the local mosque. He had seen all the children of the school marched out into the square where they had been made to sit in the sun for a whole day without food or water until 4.00 p.m. when the Military Governor arrived to give them a lecture in Hebrew, a language which they do not understand.

150. Rev. Elia Khouri (RT.12) testified that in Ramallah during the period September-December 1968, he had seen Israeli soldiers flogging twelve-thirteen year-old girls mercilessly with sticks and rifles in the streets. He also stated that when primary and secondary school girls had demonstrated they had been beaten up by Israeli soldiers (page 36).

151. Abdel Rahman Nasr (RT.16), twelve years of age, said in a written statement received by the Group (page 2), that he had been beaten by an Israeli officer with a wooden ruler every day for six days.

152. Ismail Gamal El-Zirbawi (RT.20), fifteen years old, testified that he had been arrested twice by Israeli troops in El-Arish. He was tortured as a result of which his left leg had been broken.

153. Miss Camilia Kamal Soliman El Zerbawi (RT.17), fifteen years old, testified before the Group that on 7 June 1967, in El-Arish, her house had been surrounded by tanks and a number of Israeli soldiers had rushed in. They had struck the children with rifle butts, and her younger brother had been knocked unconscious,

The witness also stated that in El-Arish, the Israeli troops entered the houses in the middle of the night and treated the women and children very badly.

154. Mrs. Narges El Sayed Ibrahim (RT.17) testified that when the Israelis had broken down the doors and burst into their house, the Israelis had threatened to cut the throat of the seven-year old son of the witness if she refused to do what they said. The boy had been very roughly treated by the Israelis and his arm was still badly dislocated and deformed.

155. Mrs. Watfa Hassan Amar (RT.17) testified that when the Israeli army had occupied her village, soldiers had entered her house and she had been forced to leave with her ten-year old daughter. The soldiers had fired their rifles and her daughter had died in her arms. The witness stated that her daughter had died suddenly of fright, caused by the firing.

156. Moussa Ali Kuneibi (RT.21) stated that he had seen Israeli soldiers attacking students, injuring some ten of them.

157. Dr. A. Abu Qoura (RT.16) presented to the Group a report of the International Committee of the Red Cross on a visit to Nablus Prison which took place on 17 and 19 September 1968. The report states, inter alia:

"The number [of prisoners] also included a girl of twelve years of age (a case of ordinary law...released on 26 September), and two boys of fifteen years of age, one sentenced to one year and the other awaiting trial, both for security reasons."

158. The text of article 50 of the Fourth Convention, besides the articles quoted with reference to subsections 1 and 2, is relevant to the evidence analysed in this section:

"Article 50

"The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

"The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

"Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of

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children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend...."

5. Taking of hostages

159. Mr. Mohammed Kassem Daoud (RT.8) testified that when the villagers of Bteiba were ordered to leave, several young men were taken as hostages by the Israelis (page 71).

160. Mr. Ibrahim Mustafa Ibrahim (RT.15) stated that when the population of Emmaus was being marched out towards Ramallah by the Israelis, thirty-seven young men were taken as hostages or prisoners (page 3).

161. Mr. Muneef Ramadan (RT.9) stated that when the Israeli troops entered his village, Zaour, they took seven young men as hostages. They had later been returned alive and well (pages 11-15).

162. Mr. Hamdi Ali El-Khalili (RT.21) testified that in El-Arish, the Israeli troops took hostages when they could not find the persons whom they were searching for.

163. Article 34 of the Fourth Convention provides:

"The taking of hostages is prohibited."

B. Allegations regarding violations of articles 64-75 relating to penal legislation and penal procedure

164. Mr. Yehia Abou Shehla (RT.18) who had been Deputy Judge in the Gaza Strip until his departure for Cairo on 26 July 1967 testified that in the first week of July 1967 an Israeli officer named Abraham had appeared in uniform in the court room accompanied by an Israeli soldier holding a loaded sub machine gun. The officer had announced that he had instructions from the Military Governor to alter the Court procedure of the Gaza Strip. The witness had told the Israeli officer that he was not prepared to collaborate with him, but the officer had said that in that case the new procedure would be approved in his absence. The witness had told the Israeli officer that his orders were illegal, since the Gaza Strip was governed by a Constitution and Laws of its own which had been observed by the Egyptians for twenty years.<sup>6/</sup> The Israeli officers had then pounded his fist on the table, and told him to be quiet. The officer had added that he had drawn the attention of the Israeli officer to the Geneva Convention. The witness had drawn the attention of the Israeli officer to the Geneva Convention. The latter had replied that Moshe Dayan had decided to annex the Gaza Strip to Israel; it was now an integral part of that country and therefore the Geneva Conventions did not apply. The witness further testified that three weeks later Israeli troops had searched his house and caused fear and terror among the women and children. They had also searched the houses of friends and colleagues, one of whom had been beaten and kept in jail for two days without cause. Another friend had informed the witness that the Israeli officer Abraham was preparing to take revenge on him for not returning to his post. In fear of his life, therefore, the witness had secretly left Gaza without taking any of his possessions with him. His fears had proved justified since one of his friends, Judge Shawky el Farra had been killed by the Israelis shortly afterwards. The witness was of the opinion that these measures were not motivated by reasons of security, but rather by a policy of Zionist expansion.

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<sup>6/</sup> Concerning the legal situation in the occupied territories, see chapter II.

Right of defence

165. In her testimony, Abla Tahha (RT.14) stated that the Israeli authorities refused to let her see her lawyer and when they eventually did so, they harassed her lawyer (Dr. Felicia Langer) (p. 16-20, 41). Dr. Felicia Langer, in an interview reported by Steffan Beckman in "Palestina och Israel", refers, inter alia, to her defence of Mrs. Tahha and the conditions under which she conducted it.

166. Mr. Beckman also makes several references to Dr. Langer's fear of reprisal or intimidation for her activities as defence counsel for several Arabs accused of guerrilla activities.

167. In his statement As'ad Abdul Rahman (RT.6) stated that his lawyers "were under great duress" whilst defending him. (p. 13).

168. The Permanent Representative of Jordan in a letter dated 12 December 1968 (S/8930) transmitted a resolution adopted by the Arab Regional Conference on Human Rights which alleged that Mrs. Rouhi El-Khatib, Mrs. Tewfik Al-Husseini and Mrs. Najla Al-Naboulsi were sentenced without trial to three months imprisonment and that they were denied the right to defend themselves.

169. Mohammed Rabih El Sherif (RT.19) testified that his son (18 years) was tried by a military court. He had been defended by an Israeli army lawyer who had done little or nothing to defend his son. The judge at his son's trial spoke Hebrew which the witness did not understand.

170. Sheikh Soliman Moussa Ibrahim (RT.17) who is chief of the El Rawayeh Tribe from Bir el-Abd in the Kherba zone in the Sinsi region said that two members of his tribe, Mr. Mausor Eid Mausour and Mr. Rabih Rasuidou Soliman had been imprisoned by the Israeli forces when these reentered his village two weeks after the commencement of hostilities. These two men had not been soldiers and had been arrested while in their homes. To the best of the knowledge of the witness these prisoners were still in prison.

171. According to Mr. Yehia Abou Shahla (RT.18), who had been Deputy Judge in the Gaza Strip until his departure for Cairo on 26 July 1967, in the first week of July 1967 an Israeli military vehicle had appeared at his house with an Israeli officer named Abraham and an Israeli soldier named Hor Khassiso. The officer had forced the witness against his will to bear witness against some of his friends.

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172. The relevant articles of the Fourth Convention are the following:

"Article 64

"The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

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

"Article 65

"The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

"Article 66

"In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

"Article 67

"The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

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"Article 68

"Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

"The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

"The death penalty may not be pronounced on a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

"In any case, the death penalty may not be pronounced on a protected person who was under eighteen years of age at the time of the offence.

"Article 69

"In all cases the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

"Article 70

"Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

"Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory,

except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

"Article 71

"No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

"Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

"The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- "(a) description of the accused;
- "(b) place of residence or detention;
- "(c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- "(d) designation of the court which will hear the case;
- "(e) place and date of the first hearing.

"Article 72

"Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

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"Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

"Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have at any time the right to object to the interpreter and to ask for his replacement.

"Article 73

"A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time-limit within which he may do so.

"The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

"Article 74

"Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held in camera in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

"Any judgement involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71 and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgements other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgement has been received by the Protecting Power.

"Article 75

"In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgement confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences."

C. Allegations regarding the respect for property of protected persons

1. Mass destruction

173. Several witnesses testified as to the destruction of the villages of Yalu, Beit Nuba and Emmaus, in the Latrun area.

(a) Yalu, Beit Nuba, Emmaus

174. Witness A (RT.13) stated that he had seen in mid-October 1967, Israelis carrying away the ruins of the villages in trucks. On 25 December 1967 he had seen the Israelis destroying the remaining houses in Emmaus as well as the mosque. He saw the Israelis levelling the ruins and planting trees in their place. He also stated that the village of Emmaus had not been touched during or by the hostilities. He stated that the destruction of the three villages took place in stages. Finally the grounds had been planted and sold off by the Israelis. The villages had previously been removed.

The witness also stated that an Israeli friend of his from a neighbouring kibbutz had informed him that the destruction had taken place on higher orders.

175. Mr. Ibrahim Mustafa Ibrahim, (RT.14) muktar of Emmaus, testified that the population of his village had been forced to leave and to walk to Ramallah. Twenty-seven persons were taken as hostages during this time. He stated that their houses were all completely destroyed; the Israelis had offered to purchase their land from them but the villagers had refused. The population was eventually loaded on lorries by the Israelis, carried for some distance and deposited on a road and told to head for the Jordan river.



176. Reverend Paul Gauthier (RT.15) made reference to the testimony of the mukhtar of Emmaus (Ibrahim Mustafa Ibrahim - RT.14) and stated that the same applied to the villages of Yalu and Beit Nuba. He also stated that he witnessed bulldozers destroying these villages: eight were used in Emmaus, two in Yalu and two in Beit Nuba. The witness said that he saw tractors from the kibbutz nearby tilling the land owned by the inhabitants of these three villages. The witness further testified that an Israeli officer had asked a monk from a neighbouring monastery to point out to him the buildings in the villages that had a historical value, in order to spare such buildings from the general destruction.

177. The destruction at Yalu, Beit Nuba and another village is described in a newspaper article annexed to a letter from the Permanent Representative of Jordan dated 18 June 1968 (S/8642) and in a letter to the Secretary-General from the inhabitants of the villages of Emmaus, Yalu and Beit Nuba sent from Ramallah on 5 July 1968. This letter is reproduced as an annex to a letter from the Permanent Representative of Jordan (S/8739) dated 29 August 1968.

178. The representative of the Secretary-General, Mr. Nils-Goran Gussing also referred to the destruction of Emmaus, Yalu and Beit Nuba (S/8158) in his report issued on 2 October 1967 wherein it is stated inter alia:

"60. The Israel Minister of Defence, in his meeting with the Special Representative, stated that he had ordered the destruction of these damaged villages for strategic and security reasons since they dominated an important strategic area."

(b) Qalqilyah

179. Witnesses also made statements concerning mass destruction in Qalqilyah.

Witness B (RT.7) testified that she had seen the large number of houses that had been destroyed. As proof of the fact that such destruction had been carried out deliberately and not during military action, the witness mentioned that next to the destroyed buildings young trees had been left untouched.

180. Witness C (RT.13) stated that she had seen houses being destroyed by Israelis in Qalqiyah after the cease-fire.

181. Sister Marie Therese Lacaze (RT.14) stated that she had seen the ruins of the houses in Qalqilyah. She stated that 3/4 of Qalqilyah had been systematically destroyed by the Israelis who used tanks and dynamite for this purpose. Sister Marie Therese was in Qalqilyah at some time during the period 14 June 1967-1 July 1967. The witness also stated that she had seen people living in the ruins of their homes.

182. The destruction that took place in Qalqilyah was mentioned in a letter from the Permanent Representative of Jordan (S/3004) dated 21 June 1967, which states:

"As of 7 June 1967, the Israeli authorities occupied the town of Qalqilyah evacuated its inhabitants by force and moved them to Nablus Mosque and to the olive groves surrounding that town. Having thus removed them, they commenced to demolish all the houses in the town, which demolition was still in progress as of 20 June.

"It is obvious that this is part of a well-cacultated plan, which involved several other front-line villages, and which aims at obliterating the demographic structure of the area."

183. The reply of the Permanent Representative of Israel is contained in a letter dated 23 June 1967 (S/3013) which states:

The village of Qalqiyah was one of the concentration points of this general attack. Large numbers of troops and artillery were deployed in and around the village. Commencing on 5 June, heavy and continuous fire was opened from Qalqiyah and its environs on Israeli villages, and Tel Aviv itself was shelled from Qalqiyah.

As part of this aggression, the inhabitants of Qalqiyah voluntarily evacuated the village before it was occupied by Israel forces - doubtless out of a sense of guilt for the prolonged shelling in which they had assisted.

The village itself ceased to be a civilian and became a military outpost for the Jordanian units, which carried on the war from it. In the course of the battle of 6 June between units of the Jordanian and Israeli army, a large number of houses in which Jordanian soldiers had established themselves were damaged. Since the end of the battle, no further buildings have been destroyed.

I wish to point out that near Qalqilyah is the town of Tulkaram. There was no fighting in that town and it is undamaged. Its population remains there and life continued normally.

184. The mayor of Qalqilyah is reported in document S/3158 (report by Mr. N. Gussing to the Secretary-General dated 2 October 1967) as stating that some fifteen to twenty houses had been destroyed or damaged during actual fighting. It goes on "54 ... Three weeks after they left their city, the population was allowed to go back to Qalqilyah. Upon their return they found that out of a total of some 2,000 dwellings approximately 850 had been demolished. The mayor repeatedly stated that he did not know the reasons for this large-scale destruction. 55. The Israeli military Governor stated that the destruction had been caused partly by tanks and partly by dynamite... . Houses from which sniping took place were dynamited. Others were destroyed for 'safety' reasons, those houses, for instance, on the point of collapsing and possibly containing unexploded ammunition, or for sanitary reasons, that is, because of the presence of dead bodies."

(c) Other cases of mass destruction

185. Mr. Ibrahim Abu Scheiban (RT.14) stated that he had seen approximately twenty-four buildings each containing four apartments, destroyed by Israeli troops. These buildings were located near camp X.

186. Mr. Saleh Nathani (RT.15) stated that although no sabotage or hostile acts had taken place from the village (Noseriat), 700 houses had been destroyed completely by the Israelis after the whole population had been forcefully deported to Jordan. This took place on 3 December 1967 (p. 27).

187. Sheikh Abu Rashed (RT.16) stated that the tents in the Jabaliah refugee camps were attacked by the Israelis during the hostilities; many homes had been demolished (pp. 9-10).

188. Dr. Mohamoud El-Bek (RT.21) stated that twenty houses and most of the mosques in El-Arish were destroyed.

189. Solimian Moussa Ibrahim (RT.19) stated that the Israelis dynamited seventeen houses in Hir-el-Abd.

190. In a letter dated 31 January 1968 (S/3373) the representative of the United Arab Republic reported that on 24 November 1967 144 houses in a refugee camp in the Gaza Strip were bulldozed in a single night. In the same letter, it is reported that on 29 November 1967, several buildings in Deir el Balah, an Arab town in the occupied Gaza Strip, were destroyed in reprisal for the alleged murder of an Israeli volunteer.

191. In a letter dated 3 October 1967 (S/3178) the Permanent Representative of Syria stated that from the second half of August 1967 Israeli forces were destroying houses and the water reservoir of the village of Kafr El-Mâ in the occupied part of Syria. In the same letter it is stated that on 7 September 1967, Israeli forces commenced the destruction of the Syrian village of El-Hurriah.

192. The representative of Syria, in a letter dated 15 October 1968 (S/3557) stated that Israel had completely destroyed the village of Sommain and the village of Ahmediye in occupied Syrian territory. The representative of Israel in a letter dated 21 October 1968 (S/3863) stated that the Syrian representative had exaggerated what was the demolition of some abandoned and damaged houses, which constituted a risk because they were in danger of collapse. In two subsequent letters dated 7 November 1968 (S/3893) and 21 November 1968 (S/3904), the representative of Syria stated that the villages were indeed inhabited and that the destruction was designed to drive out the Arabs and establish Israeli settlements.

193. In a letter of 4 March 1969 (S/9042) the representative of Syria stated that Israel had burnt the village of Khisfine in the occupied Syrian territory. This incident was reiterated in a letter of 4 April 1969 (S/9131) which alleges demolition of houses in occupied Syrian territory and in the village of Aboukhsit. The representative of Israel referred to the letter contained in document S/9131 in a letter of 15 April 1969 (S/9158) where it is stated that the question of the veracity of the allegations is not discussed.

194. In annex I to his letter dated 30 September 1969 (S/9459) the representative of Syria makes a summary list of Syrian villages allegedly demolished or burned down by Israeli occupying authorities, as follows:

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<u>Name of village</u>	<u>Date of destruction</u>	<u>Location co-ordinates</u>	<u>Remarks</u>
Al-Adnanieh (Suraman)	18 Sept.-18 Nov. 1968	2783-2286	Continued despite Syrian protests to UNTSO
Al-Hamidieh	10-30 Oct. 1968	285-229	
Khesfin	26 Feb. 1969	2506-2265	Burned down by Israeli authorities
Group of dwellings	26 March 1969	2814-2290	
Abou Kheit	31 March 1969	2484-2273	
Kuneitra suburbs	31 March 1969	2813-2279	
Khan El-Joukhadar	8 April 1969	2593-2297	
Al-Razzanieh	7 April 1969	2540-2290	
Tel Al-Saqi	7 April 1969	2527-2281	
Abi Zeitoun	6 April 1969	2486-2256	
Maqam Abi Daher	7 April 1969	2564-2292	
Cluster of dwellings	27 April 1969	2855-2261	
Al-Asha	27, 28 April 1969	2643-2320	Continued despite Syrian protests to UNTSO
Al-Batmieh	20 June 1969	2615-2328	
Al-Rafid (5 houses)	23 June 1969	2625-2347	
Ein Al-Hamra	7 July 1969	2884-2255	
Cluster of houses	13 July 1969	2518-2292	
Cluster of houses	13 July 1969	2520-2290	

195. The representative of Jordan stated in a letter dated 10 August 1967 (S/3117) that the border villages of Beit Awwa and Beit Marsam were completely destroyed by the Israelis several days after the hostilities had ceased. The representative of Israel in a letter of 16 August 1967 (S/3123) referred to the destruction of these two villages and stated that these were scenes of heavy fighting during the hostilities and that extremely heavy damage was caused in them.

## 2. Destruction of houses and certain buildings<sup>7/</sup>

196. The Group received testimony regarding the destruction of houses in the occupied area of Jerusalem.

<sup>7/</sup> For further information regarding destruction of houses in Jerusalem, see annexes.

197. Mr. Moussa Abussoud (RT.6) testified that the fourteen houses in Jerusalem that the Israelis had expropriated from his family had all been demolished. He also stated that he had seen houses that were destroyed in Jerusalem which houses had been vacated so summarily that the occupants were not given time to carry out their furniture. These houses were adjacent to the Western Wall (pp. 62-66).

198. Mr. Ibrahim Al-Abid (RT.5) quoted the Israeli newspaper Zo Haderekh of 22 March 1969 which contained a description of the destruction of a house in Jerusalem during early March 1969 (pp. 56-61).

199. Bishop Simaan (RT.12) stated that the Syrian Catholic Church had been destroyed and the Church of St. Anna had been damaged after the cessation of hostilities. Both churches are situated in Jerusalem (p. 11).

200. Destruction of houses is also referred to in a letter from the Permanent Representative of Jordan on 21 March 1969 (S/9102). This letter mentions the destruction of six houses in Jerusalem, four houses in Gaza, four houses in Ramallah, three in Al-Khalil, two in Nablus and one house in Bir Zeit. In a letter on 6 November 1968 (S/3990), the Permanent Representative of Jordan communicated that several buildings in Jerusalem had been demolished.

201. In letters dated 8 April 1969 (S/9139) and 11 April 1969 (S/9150) the Permanent Representative of Syria stated that Israel had destroyed houses in Quneitra, Abizeium, Tel-Esseqi, Razzaniya and Khan El-Joukhadar. The Permanent Representative of Israel referred to these allegations in a letter dated 15 April 1969 (S/9158) which states:

"On instructions from my Government I have the honour to refer to the letters addressed to you by the Permanent Representative of Syria on 4 (S/9131), 8 (S/9139, S/9141) and 11 April 1969 (S/9150), and without discussing the question of the veracity of allegations contained in them, to state:

"Syria has no right or grounds for complaint over defence measures taken by Israel on its side of the cease-fire line, particularly when these measures are essential in face of repeated Syrian attempts to violate the cease-fire by its regular forces and by marauders and saboteurs.

"In his letters, the Permanent Representative of Syria tries to divert attention from his Government's persistent policy of aggression, which is expressed in its rejection of the Security Council resolution of 22 November 1967, its opposition to any peace-making effort, and the waging of terror warfare against Israel in flagrant violation of the cease-fire."

202. The representative of Syria, in a letter of 9 May 1969 (S/9199) makes reference to the destruction of houses in the Syrian village of Aache.

203. Abdel Soliman Mousa Ibrahim (RT.17), chief of the El Rawayeh Tribe from Bir El-Abd in the Kherba Zone in the Sinai Region, testified that when the Israeli forces re-entered his village two weeks after the commencement of hostilities the Israeli forces had forced the inhabitants to leave their houses which they had then burned down.

204. Mr. Salem Goma Ghorab (RT.17), chief of the Dawaghera Tribe of the Bir el-Abd Region of Mousfiq, testified that one or two months after the occupation of the village the Israelis had demolished the school, which was named after himself, with a bulldozer. Subsequently his own house had been demolished. Asked if he could give any reason why his house had been demolished, the witness testified that the Israelis had asked him if he loved President Nasser to which the witness had replied in the affirmative. The Israelis had also tried to persuade him to procure men to work for them, but he had not done so. The witness further testified that other houses in the village belonging to Mr. Hag Selim Selmy Gadoose, Sweilim Ayesh, and Hamdan Salem had been destroyed as well as the Mosque of the Zone of Mousfiq.

205. According to Sheikh Salem Aly el Hersh (RT.17), chief of a tribe in the Rabas District from Region Bir el-Abd, three houses in his village, including his own, had been burned down, and that two rest-houses in the village had been demolished.

206. Mrs. Watfa Hassan Amar (RT.17) testified that the Israeli army had burned down her house in Roumana Village after entering the house and forced her to leave it.

207. Mr. Yehia Abou Shehla (RT.18) testified that he had seen the Israelis demolishing houses in Gaza including that of Mr. Habib Birady and that of the Abu Ramadan family.

208. Miss Aisha Vati Ghazy (RT.18) eighteen years old testified that the house of her family had been dynamited by the Israelis.

209. Mr. Rateb Saleh El Bek (RT.18) testified that the Israelis had dynamited his house in the village Ezba Asakha.

210. Mr. Abdel Aziz Soliman Marzouk (RT.18) testified that the Israelis had burned twenty houses in the village El Mohamed some twenty kilometres from Bir El Abd some forty days after the war.

3. Expropriation<sup>8/</sup>

211. Mr. Moussa Abussoud (RT.6) stated that he and his family owned fourteen houses in occupied Jerusalem. The fourteen houses had been expropriated by the Israeli authorities. He also stated that he had been offered compensation but that this had been refused (p. 62).

212. Mr. Ruhi Khatib (RT.12), the expelled Mayor of Jerusalem, stated that the Israeli Government had expropriated several dunums of land in and around occupied Jerusalem. He also stated that several homes belonging to Arabs that had been expropriated were demolished (p. 66).

213. The expropriation of 838 acres of land adjacent to the old city on 11 January 1968 is also mentioned in a letter dated 23 January 1968 from the representative of Lebanon (S/8354).

214. The question of the expropriation of land in occupied Jerusalem has also figured extensively in letters to the Secretary-General from the Permanent Representatives of interested Governments. References to the expropriations in Jerusalem are contained in the letters reproduced as Security Council documents as follows: S/8427 and Add.1, S/8433, S/8439 and Add.1, S/8552, S/8507, S/8546, S/8634, S/8661, S/8666, S/8667.

215. Mr. Hamdi El-Khalili (RT.21) stated that in El-Arish the Israelis had forced the farmers who had been forced to leave their lands to sign documents renouncing their property. Thus the Israelis seized farms, including a number of co-operative farms.

4. Looting and pillage<sup>9/</sup>

216. The representative of the Secretary-General, Mr. Nils-Goran Gussing, in his report issued on 2 October 1967 (S/8158), stated:

"Israel spokesmen informed the Special Representative on several occasions that the Israel authorities had taken measures to prevent looting and to stop it when it occurred, including the court martialling of army personnel caught in the act of looting."

<sup>8/</sup> Concerning the legal situation in the occupied territories, see chapter II.

<sup>9/</sup> Ibid.



217. Mr. Emil El-Ghouri (RT.6) stated that his own house in Jerusalem in which he was living at the time was ransacked during the period 9-21 June 1967 (p. 28-30).

218. Mr. Mohmoud Saleh Sejf (RT.6) stated that his shop in Jericho as well as others he had witnessed, were looted after the hostilities of June 1967 had ended. He had also seen Israeli troops dismantling and removing machinery from the factories and workshops in Jericho (pp. 58-61).

219. Mrs. Nancy Abi-Haidar (RT.7) stated that in Jerusalem, she had seen looting still going on by Israelis up to six weeks after the cessation of the hostilities in June 1967. She also stated that United Nations and UNRWA personnel had informed her that United Nations and UNRWA property had been extensively looted. She said that looting had continued during late hours when curfew was in effect. Mrs. Abi-Haidar mentioned that in one instance she had seen an electronic goods store being looted under supervision of Israeli officers.

220. Bishop Simaan (RT.12) testified that certain Catholic churches in the West Bank had been looted (pp. 7-10).

221. Bishop Diodoros (RT.12) stated that the St. Elias Church on Bethlehem Road had been looted. He also stated that on 8 June 1967 in Jerusalem he had seen Israeli troops stealing cars and that his own had been looted (pp. 22-26).

222. Rev. Paul Gauthier (RT.15) stated that tractors belonging to the inhabitants of Yalu, Emmaus and Beit Nuba were taken away from them by the Israelis. He believed that they had been given to neighbouring kibbutz (p. 21).

223. The witness also stated that he had seen looting going on in Jerusalem on 7, 8, and 9 June 1967 by Israeli men and women. In a particular case of looting mentioned by the witness, a Rabbi of the IDF intervened to end the looting when so approached by the witness (pp. 21-22).

224. Rev. Gauthier also testified that he had come across a Red Crescent van which had been stolen by a young Israeli. The witness had found this out whilst talking to the young man (p. 21).

225. Mr. Saleh Nazhami (RT.15) testified that the Israelis had taken away thirty-four tractors and 4,000 dunums of land belonging to the villagers of Noseirat whom they had forcefully deported to Jordan. He also stated that as the villagers were being loaded on trucks to be deported, the Israelis robbed them of all previous items that they were carrying (p. 26).

226. Mr. Abdulghani Shik (RT.8) stated that on 11 June 1967, when the Israeli troops entered his village they looted all the houses therein. The village is that of Keshneya (pp. 11-15).

227. According to Mr. Muhammed Kubsi (RT.8), his house was looted by Israeli troops on 12 June 1967 (p. 37-40).

228. Mr. Mohammed EL-Arour (RT.8) stated that when all the villagers of Razzanija had been told to quit their homes they were told to leave their homes unlocked. All the houses were subsequently pillaged by the Israeli troops (p. 46).

229. Mr. Mohammed Mohieddine Sleek (RT.8) stated that soon after Israeli troops entered Quneitra, the villagers were stripped of all their precious belongings on their way to assembling in accordance with instructions issued by the Israelis (pp. 96-100).

230. Mr. Ibrahim Ghawdjel (RT.8) stated that the homes of all the people in the Quneitra region, who had been kept assembled for a fortnight in a particular part of the town, were pillaged (p. 51).

231. Mrs. Nimet Mahmoud Saleh (RT.9) testified that she and the other women from their village had been separated from the menfolk and they were systematically robbed of their money and their jewellery by the Israelis (p. 46).

232. Mr. Hussein Khaled Naajel (RT.9) stated that the women of the village had been grouped off from the men and they were systematically robbed of their money and their jewellery (p. 61).

233. Mr. Mohmoud Khairallah (RT.9) from Quneitra stated that the day after they entered the town the Israelis looted UNRWA storehouses. He also stated that the houses of most inhabitants were looted by the Israelis, who assigned the people to different houses (p. 67-70).

234. Mr. Mohammed Abdel Meguid (RT.9) testified that on 13 June 1967 the Israeli troops looted the whole village of Ein Ziwan. He also stated that the village, which is situated between the two roads leading to Quneitra, was subjected to looting every day by patrols. The villagers were finally forced to leave for Syria on 23 June 1967 (pp. 77-81).

235. Mr. Tayyim El-Ghuzzi (RT.9) stated that as the population of the village of Bteiha was being forced to unoccupied Syria on 13 June 1967 he saw Israeli troops systematically robbing the villagers of all their possessions (p. 96).

236. Dr. Mahmoud El-Bek (RT.21) stated that in the hospital where he was (El-Arish area) the Israelis had removed the dispensary and that the Red Crescent hospital had been converted into a police station and torture chamber. He also testified that all but two of the ambulances in the zone had been carried off to Israel.

237. Sheikh Soliman Moussa Ibrahim (RT.17), chief of the El Rawayeh Tribe from Bir el Abd in the Kherba Zone in the Sinai Region, testified that the Israeli forces re-entered his village two weeks after the commencement of hostilities. The witness had owned two shops stocked with food, all of which had been confiscated by the Israelis. Later the tribe of the witness had been forced to leave the village and to proceed towards Egypt. They had been pursued by Israeli helicopters whose crews had caught up with them, landed and forced them to surrender all their valuables.

238. Mr. Salem Gomaa Ghorab (RT.17), chief of the Dawaghera Tribe of the Bir el-Abd Region of Mousfig, testified that one or two months after the occupation of his village the Israelis had pillaged the school canteen, stolen all the food with which it was stocked and destroyed it. Subsequently, they had carried out all the firewood in his house, which had then been destroyed.

239. Sheikh Salem Aly el Hersh (RT.17), chief of tribe in the Rabaa District from region Bir el-Abd, testified that when the Israeli soldiers entered the village they had forced the villagers to leave their houses wearing only the clothes they had on at the time. They had taken all their valuables and jewellery.

240. According to Mr. Yehia Abou Shahla (RT.18), who had been Deputy Judge in the Gaza Strip, there had been more looting in the occupied territories than he could recount. He himself had seen troops breaking into shops and looting them.

241. Mr. Ratib Saleh El Bek (RT.18) who was a railway employee from Kantara East testified that the Israelis had looted his furniture and cattle before dynamiting his house.

242. Mr. Mahmoud Abdel Moneim Aghour (RT.18) testified that the Israelis had imposed a curfew on the city of El Arish, had broken open the doors of the depots and pillaged houses. They had taken everything of value from the houses.

243. Mr. Sahmoud Mahmoud El Yemen (RT.18) testified that on the second day of the war when the Israelis had entered the village of Bir El-Abd, they had looted the houses.

244. Mr. Moussa Ali Kuneibi (RT.21) said that during the ten days that he and his family had been held by the Israelis, he had witnessed Israeli troops looting houses and shops, including Rafah secondary school and the hospital and clinic. The witness also stated that he had seen Israeli forces loading their plunder into military vehicles.

245. Mr. Saad Mohammed Ibrahim (RT.21) stated that as soon as they entered Rafah, the Israeli troops plundered the shops in the main street. Israeli soldiers gave small items to Arab children and photographed them with the shops in the background. He also saw cases of looting by Israelis in Gaza.

246. Mr. Abdallah Gibril Abid (RT.21) stated that his house was looted by the Israelis, in Gaza on 7 February 1968.

247. Mrs. Maha El-Zirbawi (RT.20) testified that Israeli troops had entered her family's apartment in El-Arish and they had robbed it of everything of value.

248. Mr. Ismail Ahmed Zikri (RT.20) was arrested on 13 July 1967. When he was released from prison after fifty-three days he found that his house had been completely looted.

249. Mr. Kamel El-Hourani (RT.20) testified that on 10 June 1967, his house which they were searching for him was looted by Israeli troops.

250. Mr. Mohammed El-Attar (RT.19) stated that in the Gaza Strip he saw Israeli troops looting freely whenever they searched houses and Bedouin tents on the pretext of searching for arms or soldiers.

251. Witness E (RT.19) stated that her house was looted by Israelis on 8 June 1967.

252. Acts of looting were also mentioned in a letter from the Permanent Representative of Jordan on 5 July 1967 (S/8033). This letter refers to acts of looting of banks and stores by Israelis in Jerusalem, Nablus, Hebron, Jenin, Ramallah and Biteh. These allegations were replied to by the Permanent Representative of Israel on 12 July 1967 (S/8055/Rev.1). The letter states:

"The allegations contained in that letter are unfounded.

"The banks on the west bank of the Jordan had in fact averaged a 10 per cent liquidity, and had they been permitted to open for normal banking business, they would have automatically become bankrupt. It has been established that the two main reasons for this low level of liquidity were:

"(a) An extremely high ratio of loans to deposits;

"(b) Substantial transference of deposits to the bank's head offices in Amman.

"Immediate resumption of normal banking activities is conditional upon the authorization by the Jordanian Government of the transfer of deposits back to branches on the west bank. Alternatively, resumption of Jordanian banking activities will depend on the rate of maturity and collection of outstanding loans.

"Far from affecting any withdrawals from the west bank, the Government of Israel has authorized the opening of branches of Israel banks in eight townships on the west bank, with a view to encouraging a flow of capital designed to stimulate economic activity.

"Most commercial shops are open. They have ample stocks. A number of owners who closed their shops and crossed to the east of the Jordan had previously transferred their stocks to others.

"It is evident from the facts stated above that there are no grounds to the Jordanian letter."

5. Destruction of property as a reprisal

253. Article 33 prohibits, among other things, reprisals against protected persons and their property.

254. In the analysis of allegations concerning the physical safeguard of protected persons and those concerning the property of protected persons, reference is made to allegations of mistreatment of person and property by way of reprisal. The attention of the Special Working Group was drawn to a report appearing in The New York Times on 11 November 1969 (A/C.3/619). This report states inter alia:

"Israeli authorities recently began demolishing homes of Arabs who had been unco-operative in investigations of terrorism or who had declined to come forward with information. Previously demolition was limited to the homes of those actively engaged in terrorism."

255. The following are some witnesses who have testified that they or their property suffered in acts of Israelis specifically designated as reprisals.

256. Abdallah Gibril Abid (RT.21) stated that his house and those of eighteen other detainees from Gaza were demolished by the Israelis. He stated that he had not been charged nor sentenced; he had been detained for refusing to go back to teaching. He left the Gaza Strip for Cairo on 16 September 1968.

257. Mohammed Rabi' el-Sherif (RT.19) testified that his house was demolished while he was in prison in El-Arish. His family had been dispersed and he had been rendered destitute.

258. Witness E (RT.19) stated that her house was dynamited by Israeli troops because she had not divulged her husband's whereabouts to them.

259. Mohammed El-Attar (RT.19) testified that in Khan Younis houses were blown up which belonged to persons who denied knowledge of the "fedayeen".

260. The Special Working Group also took note of documents S/9501, S/9506, S/9507 and S/9511 in so far as they relate to reprisals.

261. The representative of Jordan drew attention to a report appearing in the British newspaper The Times on 28 October 1969, by means of a letter dated 10 November 1969. The letter and the report entitled "Grim Reports of Repression in Israel-occupied Lands" by E.C. Hodgkin, appear as document S/9501. The report refers inter alia to the destruction of the village of Halhul, north of Hebron, by Israeli forces in reprisal for harbouring a guerrilla fighter. Documents S/9506

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and S/9507 containing letters from the representatives of Israel and Jordan, respectively, make reference to the subsequent correspondence appearing also in The Times refuting and endorsing the report of Mr. Hodgkin.

262. In his letter dated 25 November 1969, the representative of Jordan refers to an article appearing in the British newspaper Sunday Times on 23 November 1969 entitled "Eye-witness in Gaza". According to an editor's note preceding it, the article is based on a "long and detailed statement which he (an Israeli citizen) gave us (Sunday Times) and to which he swore on oath". This report speaks, inter alia, of reprisals in Gaza against villages and civilians (see paragraphs 253-256 above).

6. Relevant articles of the Fourth Geneva Convention

263. These articles are as follows:

"Article 33

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited.

".....

"Article 53

"Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

D. Eviction and deportation of protected persons and the prohibition of transfer of population of the occupying Power to the occupied territories

264. Sheikh Abdul Hamid Sayeh (RT.11) testified that he was expelled from Jerusalem on 23 September 1967. He was told that he was being expelled for reasons of security. He stated that he believed that he was expelled because he had refused

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to collaborate with the Israeli authorities. Sheikh Sayeh is the Chief of the religious courts<sup>7</sup> of Jerusalem (pp. 61-66).

265. Bishop Simaan (RT.12) referred to statements which had been made to Monsignor Rodain, head of Caritas Internationalis (an emissary of the Holy See), at the Allenby Bridge by refugees. These refugees had told Mgr. Rodain inter alia that they had been made to sign papers stating that they agreed to leave the West Bank and that if they returned they could be sent to gaol for fifteen years (p. 3-5).

266. Witness C (RT.13) stated that she had been deported. The witness had participated in a sit-down strike at the Holy Sepulchre.

267. Major Derek Cooper (RT.13) testified that he was convinced that the Israelis intended to move in instead of the Arabs as the latter were made to leave and not allowed to return (p. 76-80).

268. Dr. Salah Anabtawi (RT.14) stated that he had been deported against his will by the Israeli authorities for no apparent reason. He came from Nablus and he was deported on 23 October 1968. Dr. Anabtawi is a paediatrician by profession. He stated that professionals and leaders were being deported in order to deprive the Arab people of their leadership and thus erode their morale and eventually force them to leave the occupied zones.

269. The expulsion of Dr. Anabtawi, among others, is referred to in a letter of the Permanent Representative of Jordan of 13 December 1968 (S/8932). This letter concerns the question of deportation of leading figures of the occupied areas, in this case the West Bank. This question is also referred to in letters of the Permanent Representative of Jordan of 4 August 1967 (S/8110) referring to Mr. Anwar El-Khatib, Governor of Jerusalem, Dr. Daoud Hussein, former Member of Parliament, Abd El-Muhsen Abu Mizer, a lawyer, Dr. Subhi Ghousheh and Amir Ghousheh, two brothers and prominent citizens, of 22 December 1967 (S/8311) referring to Ibrahim Bakir and Kamal Nasser, two leaders, of 7 March 1968 (S/8445) referring to Mr. Ruhi El-Khatib, Mayor of Jerusalem, and of 13 December 1968 (S/8932) referring to Dr. Anabtawi, Mr. Mosa Jayousi, lawyer, R. Shahin and A.O. Hijjawi from Nablus, Dr. Moussa Abu Ghoush, Dr. Wahkeh and Y. Ebeidi from Ramallah, Mohammed Tawfiq Haj Hassan, Deputy Major, Messrs. A.S. Rabbae' and F.S. Nera'i, from Jenin, Mohammed F. Taher from Ja'Bed, R.A. Hamid from Tulkarm and Mohammed Khaled Abdo



from Jericho. The contents of document S/8311 were referred to in a letter of the Permanent Representative of Israel of 2 January 1968 (S/8322). In this letter it is stated:

"The action concerning Ibrahim Bakir and Kamal Nasser was taken by Israeli authorities in pursuance of their duty to ensure the safety, welfare and security of the population of the area concerned."

270. The contents of document S/8445 were referred to in a letter of the Permanent Representative of Israel of 11 March 1968 (S/8452). In this letter it is stated:

"The concern of the Government of Jordan that the activities of Mr. Rouhi El-Khatib, a Jordanian national, in Jerusalem have been stopped is understandable. Mr. El-Khatib, an appointee of the Jordanian Government, had been an agent for that Government in promoting tensions and public unrest behind the cease-fire lines between Jordan and Israel.

"After the hostilities had ended he did not cease his attempts at incitement. He maintained contact with the Jordanian Government and acted as intermediary for the transmission of directives and instructions from Amman and for the illegal transfer and distribution of funds for the purpose of promoting breaches of public order. Realizing that he failed to enjoy public support, he increasingly tried to revert to illicit pressure and threats against local inhabitants.

"Owing to these activities and the threats to public order and security which they posed, he was ordered in accordance with the Defence Emergency Regulations of 1945 to leave and cross the cease-fire line to Jordan."

271. More allegations of harassment of leading figures in the occupied areas were made in the letter from the Permanent Representative of Jordan dated 9 December 1968 (S/8923) which refers to: (a) the arbitrary arrest and imprisonment of Mrs. Zaidah El-Khatib (wife of Mr. Rouhi El-Khatib) in Ramlah prison, (b) the imprisonment of Mrs. Maleha Al-Husseini, a prominent leader of women's organizations in Jerusalem, and (c) Mr. Nazeeh Kurah, a teacher who was sentenced to three years imprisonment for allegedly opposing Israeli changes in the school curriculum.

272. Mr. Taysir Nabulsi (RT.14), an advocate, stated that he had been deported on 6 January 1969. In his expulsion order, he stated, it was alleged that he was responsible for a school strike and a student demonstration in Nablus. He was arrested, kept three hours in gaol without being questioned and then deported.

273. Mr. Ibrahim Mustafa Ibrahim (RT.14) stated that he and the whole population of Emmaus, the village where he was Muktar, had been forcibly evicted from their homes and sent away from their village by the Israelis.

274. Sister Marie Therese Lacaze (RT.14) stated that the civilians in the village of Qalqilyah had been put on buses and taken away.<sup>10/</sup> Some others had to walk to Nablus (27 miles away) in order to obtain food. The witness also stated that she had seen the expulsion of 400 Arab families from near the Wailing Wall.

10/ The expulsion of the civilians from Qalqilyah is also mentioned in the letter from the Permanent Representative of Jordan (S/8004) of 21 June 1967:

"No fewer than 12,000 people of the above-mentioned town are now living in the open air and in olive groves without food, shelter or clothes.

"The inhabitants of Qalqilyah beseeched in the military governor of Nablus and requested permission to return to their town to secure some of their belongings. Their request was not granted.

"Only yesterday five bus loads of the inhabitants of this town were driven into the east bank of the Jordan, thus adding to the 150,000 refugees who have already been forced to leave the occupied territory."

This letter is referred to in another one from the Permanent Representative of Israel (S/8013) of 23 June 1967 which states:

"The village of Qalqilyah was one of the concentration points of this general attack. Large numbers of troops and artillery were deployed in and around the village. Commencing on 5 June, heavy and continuous fire was opened from Qalqilyah and its environs on Israeli villages, and Tel Aviv itself was shelled from Qalqilyah.

"As part of this aggression, the inhabitants of Qalqilyah voluntarily evacuated the village before it was occupied by Israel forces - doubtless out of a sense of guilt for the prolonged shelling in which they had assisted.

"The village itself ceased to be a civilian and became a military outpost for the Jordanian units, which carried on the war from it. In the course of the battle of 6 June between units of the Jordanian and Israeli army, a large number of houses in which Jordanian soldiers had established themselves were damaged. Since the end of the battle, no further buildings have been destroyed.

"I wish to point out that near Qalqilyah is the town of Tulkarm. There was no fighting in that town and it is undamaged. Its population remains there and life continues normally."

275. Referring to De'ish Refugee Camp, Sister Marie Therese added that the Israeli troops had ordered the refugees "to go to Hussein".

276. Loudhailers were used in Bethlehem to encourage the civilians to flee to Jericho "if [they] wished to save [their] lives". The use of loudhailers to encourage civilians to leave their homes is referred to also by other witnesses, among them Sami Quiada (RT.6) and Badih El-Abouie (RT.6). It is also referred to in letters of the Permanent Representative of Jordan (S/7975) and of the Permanent Representative of Jordan (S/7975), and of the Permanent Representative of Tunisia (S/7974), both of 12 June 1967.

277. Saleh Nazhani (RT.15) testified that the population of his whole village (Nosierat) was forcibly taken away on trucks to the Allenby Bridge. This took place on 3 December 1967. Earlier on 30 November 1967, the Israelis had ordered the population out but they had refused.

278. The matter of the expulsion of the Nosierat tribe was brought to the attention of the Security Council and the General Assembly by the Permanent Representative of Jordan on 8 December 1967 (S/8290). The Permanent Representative of Israel referred to this matter in a letter dated 12 December 1967 (S/8295). In this letter it is stated:

"The allegation that members of the Nuwaseirat tribe have been forced to cross to the east bank of the Jordan is false. The facts are as follows. This is a small tribe of bedouin nomads that has no fixed habitation but lives in tent encampments and normally moves between the western and eastern sides of the Jordan River in the Jericho area. In this locality there have been frequent illegal infiltrations across the river and terrorist activities by persons penetrating from Jordanian territory on the east bank.

"For security reasons it became necessary to proclaim the area a restricted area. In their desire to alleviate unnecessary suffering, the Israel authorities approached the chief of the tribe and proposed an agreed relocation elsewhere. A new site for the encampment was agreed upon while maintaining access to the former grazing grounds. At the same time approximately 150 members of the tribe voluntarily chose to cross to the east bank and written declarations of this willingness were signed by these persons at the Allenby Bridge. Those bedouin who crossed to the east bank were accepted without any reservations by the Jordanian authorities, who awaited them a few yards away. The crossing was openly and freely conducted and there was no coercion whatsoever."

279. Sheikh Abu Rashed (RT.16) stated that he was the leader of 2,000 Rawachdi tribesmen. He was deported after ten months in prison. He was arrested on 15 October 1968 for having urged the Muktar to complain to the ICRC and to UNRWA. The witness said that he was, during this period, under preventive arrest and therefore was not brought to trial.

280. Mr. Abdulgnani Shik (RT.8) testified that on 12 June 1967 the Israeli troops ordered all the villagers out of Keshneya within fifteen minutes (pp 21-25).

281. Mr. Mohammed Gowaa El-Arour (RT.8) stated that the inhabitants of the village of Razzaniya were ordered out of their homes, the Israelis fired some shots in the air, took away twelve youths - released two months later - and they were not allowed to return to their village.

282. According to Mr. Mohammed Kassem Daoud (RT.8), the whole population of his village in occupied Syria was deported by the Israelis on 15 June 1969 (p. 71).

283. Mr. Mohammed Moheiddine Sleek (RT.8) said that in Quneitra, conditions were rendered such by the Israelis that the civilians had no choice but to leave for Syria (p. 101).

284. Mr. Ibrahim Ghawdjel (RT.8) testified that he had been forcibly deported from his village in the Quneitra region. This took place in 1968. The witness also stated that most villagers had been forced to leave by 1968 and that only one or two persons had remained in the village (p. 56).

285. Mr. Muneef Ramadan (RT.9) said that six days after occupation the Israelis ordered all the inhabitants of his village Zaaour to leave for another village within one hour. They were told to cross into unoccupied Syria and when he as Muktar protested they were forced to do so (pp. 16-20).

286. Mrs. Nimet Mahmoud Saleh (RT.9) stated that the inhabitants of her village, Tel Awra in the Bteika Zone, were forcibly evicted from the village and taken to the combat line after a five-day march (p. 46).

287. Mr. Hussein Khaled Naajil (RT.9) testified that three days after occupation the villagers were forcibly evicted. The date was 15 June 1967 (p. 61).

288. Mr. Mahmoud Khairallah (RT.9) a baker from Quneitra, stated that after their occupation, the Israelis rendered the food situation serious and therefore most people who had remained there were forced to leave the town and go to unoccupied Syria; the Israelis provided transportation for them and for their property (p. 71).

289. Mr. Mohammed Abdel Meguid (RT.9) from Ein Ziwan near Quneitra, testified that on 23 June 1967, after ten days of occupation, the inhabitants of the village were forced to leave for Syria (p. 31).

290. According to Mr. Tayyib El Ghazwi (RT.9), the population of Kherba was repeatedly told by the Israelis to leave this village and go to unoccupied Syria. The village population was eventually forced to the cease-fire line on 15 June 1967. The witness also stated that he would not return to his village unless it was under the auspices of the United Nations; he would not return under an Israeli régime (p. 96).

291. Mr. Hamdi El-Khalily (RT.21), a lawyer from El-Arish, stated that in the Gaza Central Prison, the Israelis bargained with the detainees daily during interrogation to leave the area. The Israelis promised freedom to the detainees and permission to take all their belongings, including their money, to the East Bank. He also stated that he felt that, in many cases, imprisonment was designed to produce an atmosphere of terror and cause people to leave.

292. Sheikh Mohammed Hameid (RT.20) testified that his tribe had been attacked by Israeli troops and they were forced to leave their village in the Zabda zone near Bir el-Abd; they were threatened with death unless they left. The witness had fled for Port Said.

293. Mr. Ismail Ahmed Zikri (RT.20) stated that on 9 February 1969 he was told by an Israeli officer to leave El-Arish immediately for the East Bank.

294. According to Witness E (RT.19), she had been asked to leave for the East Bank from Gaza since she was considered a security threat. She had been a headmistress in Gaza and her husband was imprisoned for allegedly belonging to the fedayeen.

295. Sheikh El-Hersh (RT.19) testified that the Israelis had ordered him to proceed to Egypt. He and his family were pursued by helicopter and shot at as they fled (Bir el-Abd).

296. Souhir Moussa Ibrahim (RT.19) stated that the Israelis had ordered the people of Bir el-Abd to go to Egypt.

297. Nasser Salem Salama (RT.19), village Chief of Bir el-Abd, said that the whole population of his village was forcibly deported to Egypt by the Israelis.

298. Sheikh Salim Aly el Hersh (RT.17), chief of tribe in the Rabaa District from Bir el Abd region, testified that when the Israeli troops had entered the village they forced all the inhabitants to leave their houses. After they had evacuated their houses they were accused of hiding weapons which had been left there by the Egyptian army and therefore they were driven out of the village. The Israelis had pursued them with helicopters as far as the mountains, where they had landed and again ordered them to produce the arms which they had concealed. He had then requested permission to return home, but the Israelis had said that anyone who tried to return would be shot. The villagers had suffered greatly from hunger and thirst while proceeding on foot towards the lakes. The witness himself had remained in the rear and had continued to request permission to return to his shop, but the Israelis had replied that he had to go to President Nasser. The witness testified that between 150 and 200 families had been expelled, and that not more than forty or sixty persons still remained in the village. The witness also stated that during its retreat the Egyptian army had passed through his village, but he was prepared to swear by God and his honour that no arms had been left there.

299. Mrs. Watfa Hassan Amar (RT.17) testified that the Israeli army had burned down her house in Roumana Village and driven them away, firing on them constantly. The survivors had walked all the way to Port Said.

300. Miss Aisha Vali Ghazy (RT.18), eighteen years old, testified that the surviving members of her family had been driven away by the Israelis.

301. Mrs. Fatma Mahmoud Abdallah (RT.18) testified that the surviving members of her family had been expelled to Port Said.

302. Sheikh Soliman Moussa Ibrahim (RT.17), chief of the El Bawayeh Tribe from Beir el Abd in the Bteiha Zone in the Sinai Region, testified that the Israeli forces re-entered his village two weeks after the commencement of hostilities. After the killing of some members of his tribe by machine-gun fire the Israelis had forced the surviving inhabitants to leave the village and had ordered them to proceed to Egypt. They had been pursued by Israeli helicopters whose crews had caught up with them, landed and forced them to surrender all their valuables. They had then continued in the direction of the plains, through the marshes, until they had reached the Port Said Region.

303. Salem Gowas Ghorab (RT. 17), chief of the Dawaghara Tribe of the Bir el Abd Region of Mousfig testified that after the killing of some men of his tribe, the imprisonment of others and the destruction and looting of houses of his village the rest of his tribe had fled. After walking for four consecutive nights, the survivors had crossed the lake and reached Port Said. The wife of the witness had suffered a nervous breakdown and had died after her arrival in Egypt.

304. Mrs. Narges El Sayed Ibrahim (RT. 17) testified that after the killing of her husband and mistreatment of her seven year old son by the Israelis the witness, her son and her three daughters had been forced to leave the house and had not been allowed to take any of their clothes and possessions with them. They had then crossed the Canal to West Kantara where her son's injuries had been attended by the Egyptians.

305. The Minister of Foreign Affairs of the United Arab Republic in a telegram dated 21 June 1967 (S/8007) stated that Israel was expelling several hundred of Palestinians through El-Kantara. This was reiterated in a telegram dated 25 June 1967 (S/8017) where it was reported that more mass expulsions of Palestinians had taken place bringing the total to 2,402 persons expelled within five days.

306. The Permanent Representative of Israel referred to these allegations in a letter dated 27 June 1967 (S/8019) wherein it is stated:

"On instructions from my Government, I have the honour to refer to the letter from the Minister for Foreign Affairs of the United Arab Republic of 21 June 1967 [S/8007] alleging expulsion of civilians through the cease-fire line at El Kantara.

"The representative of the United Arab Republic repeated those allegations at the 1533rd plenary meeting of the General Assembly of 23 June 1967, and at the 1534th meeting, of the same date, I made the following reply:

'Prisoners of war are held in a camp at the outskirts of El Kantara. As part of Israel's policy to return the prisoners of war to Egypt, arrangements have been made with the Egyptian authorities on the opposite bank of the Canal for them to ferry groups of released prisoners from the Israel line to the west bank of the Canal.

'These prisoners of war are freely accepted by the competent Egyptian authorities and transferred by them to Egyptian territory. No complaints have been received on the spot that persons other than prisoners of war have been sent to Egypt through El Kantara.

'If there were Palestinians among the prisoners of war they apparently belonged to the military units of the so-called Palestine Liberation Army, which was controlled by the Egyptian army and participated in the hostilities against Israel.

'Be that as it may, the transfer of prisoners of war at El Kantara is being carried out with the free co-operation of the Egyptian authorities. The representatives of the International Red Cross have publicly expressed their satisfaction and appreciation at the manner in which Egyptian prisoners of war have been cared for and repatriated by Israel.'

"As in the case of earlier communications from the representatives of the United Arab Republic (S/7988 and S/7993), the statements contained in the letter of 21 June 1967 are inconsistent with the facts. That letter must therefore be considered as one further attempt to mislead its readers."

307. In a letter dated 10 August 1967 (S/8117) the representative of Jordan states that on 26 July 1967, eighty-five inhabitants of the West Bank were expelled as were another seventy-five on 27 July 1967.

308. The representative of the United Arab Republic in a letter dated 31 January 1968 (S/8373) mentioned that as of 7 November 1967, 100 to 300 persons a day, mostly from the Gaza Strip, still crossed to east Jordan. The letter adds that these persons stated that they were coerced by the Israelis into leaving their homes. Intimidation, shooting, terror, demolition of houses at random and house-to-house searches were among the methods used by the Israelis to drive the Arabs out. Further reports of intimidation of Arabs were made in newspaper articles appearing in The Guardian of 26 January 1968 by Michael Adams and in The Observer of 28 January 1968 by Irene Beeson. These reports were communicated to the Secretary-General as annexes to a letter from the representative of the United Arab Republic dated 2 February 1968 (S/8380).

309. The representative of the United Arab Republic made reference to forced deportation of Arabs from Gaza in a letter dated 16 May 1968 (S/8588). By February 1968, it is stated, approximately 85,000 Arabs were forced to leave the Gaza Strip for the East Bank of the Jordan. It is also stated that Arabs were being forced to leave the Gaza Strip at rates varying between 3,000 to 4,000



per week. These allegations were denied in a letter from the Permanent Representative of Israel dated 26 May 1968 (S/3596).

310. The representative of Jordan, in letters of 25 July 1968 (S/8691), 29 July 1968 (S/8698) and 5 August 1968 (S/8722) reported that the Israeli authorities intended to deport 50,000 Palestinians from Al Jabaliah refugee camp in Gaza. The representative of Israel denied this claim in letters dated 30 July 1968 (S/8700) and 31 July 1968 (S/8701).

311. In a letter dated 26 June 1969 (S/9284) the representative of Jordan mentioned the expulsion of nine Jordanian citizens to the East Bank of Jordan.

312. In his testimony Mr. Ruhi Khatib (RT.12) stated that Israel was building a number of housing projects in occupied Jerusalem and around it, to house 40,000 Jewish immigrants to live in place of Arabs, both inside and outside the city walls (p. 76).

313. Mr. Hamid El-Khalili (RT.21) said that Israeli families were being installed in the Nahal Sina Zone of Sinai.

314. Allegations of transfer of Israelis to the occupied areas are also contained in letters of the Permanent Representative of Jordan on 3 July 1968 (S/8666, S/8667), regarding the settlement of Israeli Jews in occupied Jerusalem. The same allegation was also made in a letter of 3 June 1968 from the Permanent Representative of Jordan (S/8609) with regard to transfer of Israeli Jews to Al-Khalil (Hebron). The contents of this letter are referred to in a letter of the Permanent Representative of Israel on 7 June 1968 (S/8626) where it is stated:

"This letter magnifies and distorts the matter in question.

"A small group of pious Jews and their families have on their own spontaneous initiative taken up residence in Hebron, a town with venerable Jewish historical and religious associations.

"There is no good reason why their neighbours should not live on peaceful and amicable terms with them and so help to heal the tragic memories of the massacre of Hebron Jews in 1929."

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315. In a letter dated 3 October 1967 (S/8178) the representative of Syria states that the destruction of the villages of Kair El-Mâ and El-Hurriah is part of plans to move new settlers and colonies to that area. For this purpose, the letter refers to a report in The New York Times of 25 September 1967 which mentions plans by Israel to settle territories seized during the June 1967 hostilities.
316. In another letter dated 18 April 1968 (S/8559) the representative of Syria mentions the fact that Israeli "Nahal" colonies were being established in the occupied areas.
317. The representative of Israel, in a letter dated 24 April 1968 (S/8558) stated that the allegations contained in document S/8550 were unfounded. Referring to the "Nahal" settlements, the representative of Israel stated that this was a corps, a military unit of the Israel Defence Forces, employed in assisting to ensure the security of the area and in maintaining the cease-fire. The true nature of the "Nahal" settlements is again discussed in a letter of the representative of Syria dated 18 June 1968 (S/8643) and the reply to it by the representative of Israel dated 27 June 1968 (S/8654).
318. The representative of Syria, in a letter of 17 April 1969 (S/9164) refers to the destruction of houses in Quneitra, Abizetun, Tel-Esseqi, Razzaniya and Khan El-Joukhadar mentioned in documents S/9139 and S/9150 and alleges that this destruction, together with other evidence such as newspaper reports including reports of pronouncements by Israeli Ministers quoted in document S/9164, demonstrate the intention of Israel to settle areas occupied by it as a result of the hostilities of June 1967.
319. The question of transfer of population of the occupying Power to the occupied territory was raised also in letters of the representative of Jordan dated 26 June 1969 (S/9284) referring to legislation by Israel (Administrative Regulation Law, 1968) aimed at changing the status of Jerusalem, and 2 July 1969 (S/9303), drawing attention to photographs allegedly showing constructions of Israeli settlements in occupied Jerusalem, on confiscated Arab land.
320. The letter of the representative of Syria dated 30 September 1969 (S/9459) refers to the continued demolition of Arab buildings and villages in occupied Syrian territory and the eviction of Israeli settlements for the purpose of colonizing the occupied areas. The letter also refers to some passages from an

article appearing in the Christian Science Monitor on 23 September 1969 by Trudy Rubin, entitled "Israeli Border Life - Golan Cliffs Along Syrian Border Key to Territorial Desires". The article also refers to the settlement of the occupied Syrian territory by Israel. An annex to the letter shows a list of ten Israeli settlements allegedly built on sites of partially or totally demolished Syrian villages and in other locations in occupied Syria, as follows:

<u>Name of settlement</u>	<u>Former name</u>	<u>Date of establishment</u>	<u>Remarks</u>
Shenir	Banias	14 August 1967	
Golan	Kuneitra	5 November 1967	
Geishur	Tel el-Faras	10 March 1968	
El-'Al	El-'Al	5 May 1968	Most buildings of Arab El-'Al were demolished
Ezz Ed-Dine	Mazra'et Ezz Ed-Dine	7 July 1968	Total destruction
Fiq	Fiq	8 August 1968	Most buildings demolished
Yoeb	Kafer Hareb	November 1968	Most buildings demolished
Gibin	Jibin	28 December 1968	Total destruction
Ein Zivan	Ein Ziwan	29 December 1968	Total destruction
Shalom Jabata	Az-Zeit	5 May 1969	Total destruction

321. Article 49 of the Convention, relevant to the evidence analysed in section D, reads as follows:

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

"Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

"The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

"The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

"The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

E. Allegations regarding the guarantees of the institutions and Government of occupied territories (article 54)

322. Sheikh Abdul Hamid Sayeh (RT. 11) testified that, as chief of the religious courts, he had been ordered by the Israeli authorities that the religious courts in occupied Jerusalem were not to apply Muslim religious law any longer but to apply instead Israeli law (p. 72-75).

323. Mr. Saad Mohammed Ibrahim (RT. 21) stated that his colleagues in the Police Force in Gaza who had refused to co-operate with the Israelis had been sentenced to periods of from five to eleven years imprisonment.

324. Mr. Abdalla Gibril Abid (RT. 21) said that he was a teacher and he had refused to go back to teach in Gaza when the Israelis had decided to reopen the schools. He was therefore imprisoned for three days and beaten constantly.

325. Mr. Kamel El-Harouni (RT. 20) who was Director of the Secretariat in the Education Offices in Gaza (El-Arish) testified that he was offered good conditions if he co-operated with the Israelis in calling teachers to a meeting. He had not co-operated and subsequently he was searched for by the Israeli troops on 28 September 1967. He therefore left El-Arish 12 October 1967 until when he was still in hiding.

326. Article 54 of the Fourth Geneva Convention, relevant to the evidence analysed in section E, reads as follows:

"The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

1.0.1.1

"This prohibition does not prejudice the application of the second paragraph of Article 51. 11/ It does not affect the right of the Occupying Power to remove public officials from their posts."

F. Allegations regarding the non-observance of implementation of the Convention (article 30)

327. Mr. Mohammed Kassim Daoud (RT. 8) stated that there was no international relief agency who could safeguard the rights of civilians. The only appeal available was with the Military Commander. The witness stated that there was no point in complaining to the very person who was persecuting the civilians (p. 82-85).

328. Witness E (RT. 19) testified that she was specifically forbidden to report to the Red Cross representatives on her husband's torture in Nablus Prison at the hands of the Israelis. The witness stated that she was threatened with being killed together with her children if she complained to the Red Cross.

329. Miss Aisha Vati Ghazy (RT. 18) testified that she had not been allowed to see the representative of the International Committee of the Red Cross since the signs of beating were still apparent on her. Subsequently, however, she had managed to see him.

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11/ The commentary to the Fourth Convention (Geneva, International Committee of the Red Cross, 1958), p. 307, states:

The reference to Article 51 relates not only to the list of different types of work, but also to the conditions and safeguards contained in that Article, in particular the prohibition on the use of compulsion to make protected persons take part in military operations. This is particularly important in the case of police officers, who cannot under any circumstances be required to participate in measures aimed at opposing legitimate belligerent acts, whether committed by armed forces hostile to the Occupying Power, by corps of volunteers or by organized resistance movements. On the other hand, it would certainly appear that the Occupying Power is entitled to require the local police to take part in tracing and punishing hostile acts committed under circumstances other than those laid down in Article 4 of the Third Geneva Convention. Such acts may in fact be regarded as offences under common law, whatever ideas may have inspired their authors, and the occupation authorities, being responsible for maintaining law and order, are within their rights in claiming the co-operation of the police.

330. The relevant article of the Fourth Geneva Convention provides:

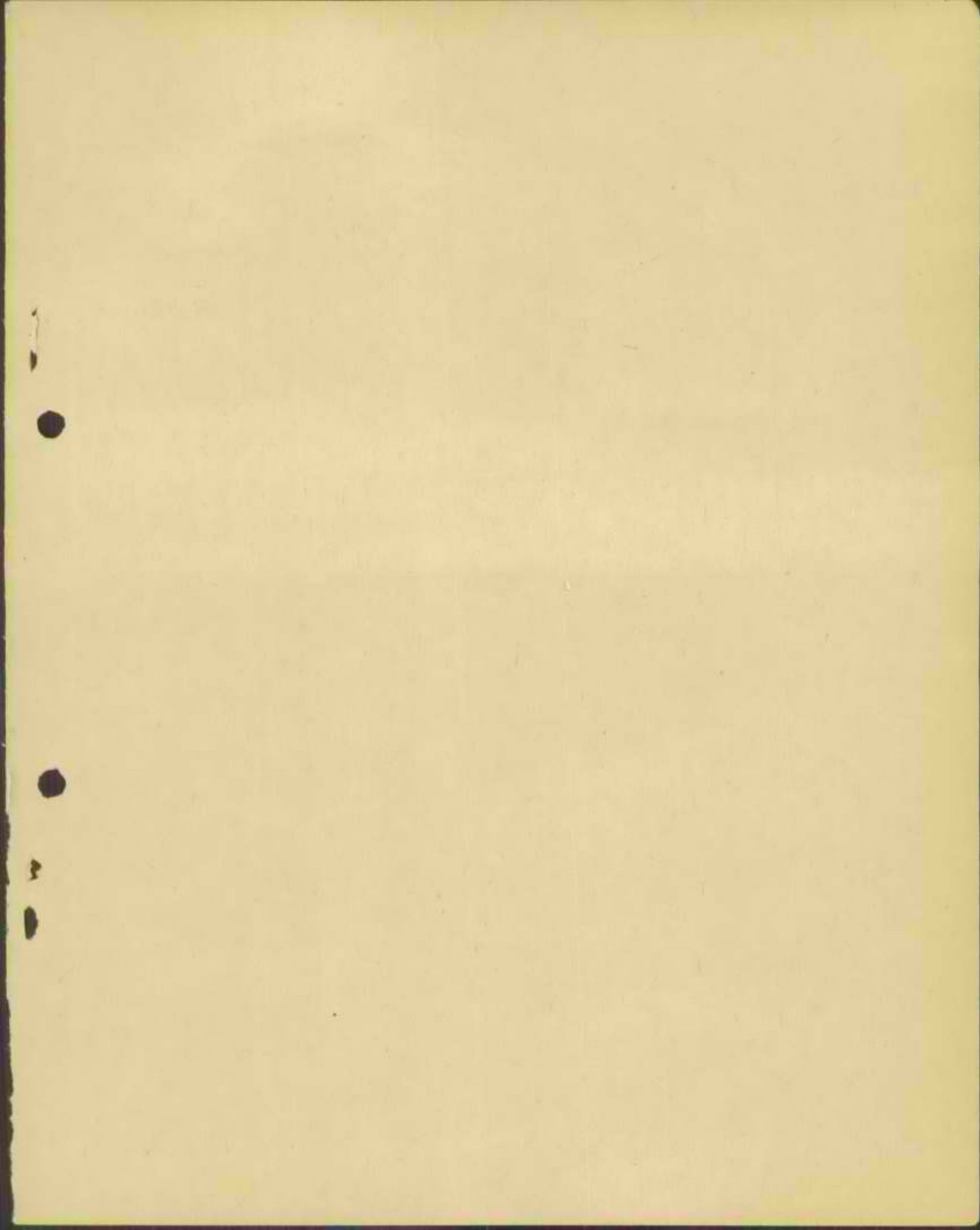
"Article 30

"Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

"These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

"Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons."

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Item 5 of the provisional agenda

REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS  
ESTABLISHED UNDER RESOLUTION 6 (XXV) OF THE  
COMMISSION ON HUMAN RIGHTS (continued)

Annexes (continued)

- II. COMPOSITION OF SPECIAL WORKING GROUP OF EXPERTS
- III. MEDICAL REPORT BY MOHAMMED CHOUCRI, M.D., CONCERNING  
MR. MOHAMMED M.A.K. DERBAS
- IV. COMMUNICATION RECEIVED FROM MISS NIMET MAZLOUM CONCERNING ILL-TREATMENT  
OF DETAINEES
- V. COMMUNICATION RECEIVED BY THE SPECIAL WORKING GROUP CONCERNING  
DESTRUCTION OF HOUSES IN JERUSALEM



Annex II

COMPOSITION OF SPECIAL WORKING GROUP OF EXPERTS

New York, July 1969

Meetings 1-7

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Jha,  
Mr. Waldron-Ramsey, Mr. Ermacora

Meeting 8

Mr. Janković (Chairman), Mr. Jha, Mr. Waldron-Ramsey

Meetings 9-10

Mr. Janković (Chairman), Mr. Jha

Geneva, 4 and 8 August 1969

Meetings 11-12

Mr. Boye (Chairman), Mr. Ermacora, Mr. Jha, Mr. Waldron-Ramsey

Beirut, Damascus, Amman, 11-16 August 1969

Meetings 13-20

Mr. Boye (Chairman), Mr. Ermacora, Mr. Jha

Amman, Cairo, 17-21 August 1969

Meetings 21-28

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Ermacora, Mr. Jha

Cairo, 23 August 1969

Meeting 29

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Jha

/...

New York, 5 January-11 February 1970

Meeting 30

Mr. Waldron-Ramsey (Chairman), Mr. Jha

Meeting 31

Mr. Ermacora (Chairman), Mr. Jha

Meetings 32-33

Mr. Waldron-Ramsey (Chairman), Mr. Ermacora, Mr. Jha

Meeting 34

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Waldron-Ramsey, Mr. Jha

Meeting 35

Mr. Janković (Chairman), Mr. Waldron-Ramsey, Mr. Jha

Meetings 36-37

Mr. Janković (Chairman), Mr. Ermacora, Mr. Waldron-Ramsey, Mr. Jha

Meetings 38-39

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Ermacora,  
Mr. Waldron-Ramsey, Mr. Jha

Meetings 40-44

Mr. Boye (Chairman), Mr. Janković (Vice-Chairman), Mr. Waldron-Ramsey, Mr. Jha

Annex III

MEDICAL REPORT BY MOHAMMED CHOUCRI, M.D.,  
CONCERNING MR. MOHAMMED M.A.K. DERBAS

On 21 August 1969, at 4 p.m. Mr. Mohammed Mohammed Abdel Kader Derbas was presented to me by Mr. Ilham Lutem, Principal Secretary of the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights, to describe whatever bodily injuries or evidence of bodily injuries which might have been inflicted to him.

The examinee is a male of about twenty-seven years of age, enjoying good physical and mental abilities.

The examination of the supra pubic region and genitals shows two bilateral inguinal faint scars (4 cm length on the right side and 6 cm length on the left side), as well as an old circumferential cautery scar rectangular in shape 3 cm x 7 cm on the right side of the pubic region.

Circumcized penis is intact, but the scrotal sac is quite empty of all its normal contents.

A rounded scar of cautery of 3 cm diameter is seen on the back of the calf muscle of the right leg.

(Signed) Mohammed CHOUCRI, M.D.  
United Nations  
Examining Physician - Cairo

Annex IV

COMMUNICATION RECEIVED FROM MISS NIMET MAZLOUM, NEW YORK,  
CONCERNING ILL-TREATMENT OF DETAINEES

Palestine and Israel

An analysis from the left by Staffan Beckman<sup>a/</sup>

Colonization and morality

Zionism built upon segregation and co-operated with imperialists from the very beginning. Its idealistic content was corrupted right at the outset.

And corruption leads to immoral actions which, in turn, lead to more corruption, and so on.

In order to succeed, the corrupted must invent a morality of their own and a false view of the world as a justification for their immoral actions. The corruption then becomes less apparent to themselves and they become "knowing" like the German population under Hitler. But in the meantime corruption continues to devour them from within and there is no way of escaping from the vicious circle until the first immoral action has been righted.

The Israelis who have seen through Zionism and are trying to counteract it and its consequences have been caught up in a conflict between their personal moral values and the Zionist morality. Whatever they do, they are stricken with remorse.

In Jerusalem we had a meeting with the young Israeli lawyer Felicia Langer, who since the June war has spent most of her time defending Palestinians whom the military authorities have arrested by administrative decision. In the course of this work she has come across some sixty cases of torture (up to the end of September 1968) and has been trying to trace the policemen and soldiers who carried out the tortures.

When we arrived at her office at Jaffa Road 60 in Jerusalem she was plainly nervous and said that we ought to go out and have a talk somewhere in the town. "Don't let us start talking until we get out of here", she said.

<sup>a/</sup> Translated from Swedish.

Out in the street she explained that she knew that her telephone was tapped and she suspected that Shin-Bet had also planted microphones in the office. One of the first things she said was that she had received a telephone call one day from a representative of Shin-Bet (the Israeli security service) who said that he was surprised that "she or her son had not yet been the victim of a bomb". She had taken that as an indirect threat.

We went and sat down in a public place, on some seats which were fairly isolated from the other patrons. In a few minutes she became nervous again and whispered that she thought that a couple of people sitting five or six yards away were listening to our conversation. She got up and we went to another part of the room, where our conversation was drowned by the noise. The minute anyone passed near our table, Felicia fell silent.

#### Torture I: Lutfieh and Abla

One of her cases concerns three girls, of whom two were apparently subjected to severe torture in the Jerusalem prison. Felicia Langer's report on the tortures was circulated by the girls' parents and the Arab women's organization in East Jerusalem to all consulates and embassies in Israel - some weeks after the circulation of the report, the Chairman of the women's organization was expelled to Transjordan (international women's organizations subsequently compelled the Israelis to allow her to return home).

The three girls were apparently arrested on a charge of being involved in a case of arms smuggling over the River Jordan. A bag of weapons was allegedly found on the Allenby Bridge immediately after one of the girls had crossed over (these reports, however, are unconfirmed; the girls had been arrested by administrative decision, and the lawyer is therefore not entitled to be informed of the charges).

The two girls who are said to have been tortured are Able Shafik Taha from Jerusalem and Lutfieh Ibrahim al Hawari from Ramallah, both aged between twenty and twenty-five. Able is married and was two or three months pregnant when she was arrested. Lutfieh is a teacher and a poet.

In order to keep as closely as possible to Felicia Langer's account, I am reproducing verbatim the notes I took during our conversation:

"Lutfieh - first meeting. In the presence of the prison inspector, room No. 6 - famous for beatings - the room is far below ground, without windows, and an almost invisible door in the wall - I had been there dozens of times before I saw it for the first time - I am sure that they give them the treatment there. I had met her before her imprisonment

and almost didn't recognize her, she looked like a wild creature, a big man's pullover, pale, smiled at me, two teeth missing in her lower jaw. I asked how she was, she said fine and smiled at the inspector. I said it in Arabic and she said fine again and nothing more. I felt on unsure ground. There were other people in the room as well. So I realized that I had to question her although I was not supposed to. I said listen, we know one another, I know that when we last met your hair and teeth did not look like that. Mrs. Langer, said the judge, you are cross-examining her. No, I said, I am just enquiring because I have not seen her like this before. Then she began to talk. She said that, like Abla, she had been put with prostitutes who had beaten her, torn out chunks of her hair, ripped off her clothes - I said have you no comb, and gave her my comb - at that point the men around hated me more than her - she had been naked and the policemen had been watching through the door, she had asked them to intervene but they had signalled with their eyes to the prostitutes to continue and egged them on. They had burned her with cigarettes. The inspector looked at me and at her and one of the other men said what a democracy you have here, when you are allowed to speak with her this way. The inspector said we shall investigate. Then I said that I was shocked and ashamed to hear it. Someone who was listening said why, nothing has happened to her. They said: how would the Arabs treat us in a similar situation. She said: you say that you have a democracy, and you are punishing me although I did not do it. Later she wrote a letter to her fiancé (also in prison) which was like a poem and another to her mother in front of the inspector who read them and I took them. He promised that everything would be worked out. But later on he said that I was going to too much trouble and making too many enquiries and that I should be on their side and not against them. One policeman said, it's because you yourself haven't got a bomb in your house that you can threaten me. I asked for his name but he and the inspector refused to give it."

And now the notes on Abla Shafik Taha:

"Meeting with Abla. Three weeks earlier, she had spent ten days in Jerusalem prison. I met her (she had also made a statement with the inspector to the mayor of Al Bireh) in the presence of the prison inspector. She started to cry. So I asked her what was wrong. I knew that she had been beaten, my assistant had seen her before. She said that I ought to have seen her ten days earlier when the marks on her arms had been clearer. She also said that she had been put in the same room as the prostitutes, Jewish, who had begun to beat her - she was pregnant - and she had bled but they did not stop. They had torn off her clothes and left her naked - and the policemen had watched through the door and done nothing. The inspector protested that that could not be true and that I was interfering in the work of the police and he said that that had been merely a spontaneous outbreak on the part of the prostitutes. I said what did the police do then? She said that she had lost

consciousness and had subsequently been beaten by policeman Dwak. She had asked for a doctor and they had said that if she would 'confess' they would take her to the doctor. A policewoman had said: If you don't talk we shall take out what you have in your belly. They had put her in a small room with no toilet and for three days had forbidden her to go out. She had had a haemorrhage in there. I immediately wrote a complaint about her treatment and asked for a doctor right away."

(The Mayor of the occupied town of Al Bireh, Abdul Jawad S. Ata, had also visited Abla Taha. On a piece of paper he had written a summary of what Abdul had told him, whereupon he had signed it and affixed his seal of office. His version reads: "I, the undersigned, Mayor of Al Bireh, had visited Mrs. Abla S. Taha, in the presence of the Israeli officer, namely, Mr. Goulan, and I have been told in spite of the officer's interference, 'that 12 feet were dancing on my breast - stomach, while these prostitutes were demanding, "either you confess or we will kill your baby"'. After torturing her she fainted, she said her right eye looked abnormal. Later when I met the military governor Mr. David Bren, who earlier denied me to see the girl - any allegations of torturing; confronting him with the facts, he said 'you are right I believe you'. He promised me that the girls will be transferred. Abdul Jawad S. Ata, Mayor of Al Bireh".)

According to the notebook, Felicia Langer's account of a subsequent meeting with Abla, after she and the others had been transferred to a prison near Tel Aviv, where they went on hunger strike, reads as follows:

"Abla asked: 'Why do they hate us so much? They are ready to kill us; we did not come here to take their houses or lives.' Abla then wanted to take her own life and the baby's. I told her to eat - in order to retaliate against those who want you to be weak. They said that they regarded me as a sister, I said that there were prostitutes and good Jews. As soon as they go to kindergarten the children here learn to loathe the Arabs, and despise them, they learn rhymes, chants, have school books which say that we shall be victorious over the Arabs because we are superior in culture, civilization. Abla was shocked."

More notes on the conversation with Felicia:

"I have a feeling that if we ever have peace negotiations one day it is with these that we shall have to settle up - I said in court one day when

I was defending a young research worker who had previously been on a scholarship in the U.S.A. and had now been seized as a Fatah member. I also said that I saw a trend in our policy to imprison everyone so as to prevent opposition from spreading - so you might as well imprison all seventy thousand in East Jerusalem."

"We cannot get hold of the confessions made under torture - although there is always a pattern whereby they have one paper containing a denial and, a month later, another one containing a confession, in typical Hebrew phraseology. There are no appeals in military court proceedings, only petitions, which never yield results. We have had witnesses of tortures who saw traces and heard screams - people who were confined in the same cell - but the witnesses are always followed by a policeman who denies that it happened and says that the Arabs invent and lie a great deal."

#### Torture II: Salah

Another of Felicia Langer's clients is Salah Nashashibi, aged 37, from Jerusalem. He has been in prison for six months.

Here is his own account, taken from the notebook:

"They arrested me in December and took me to an officer who was supposed to ask questions, but asked none and, for nineteen days, I was in prison without any questions or answers, without soap and without a blanket.' Then they had taken him to a room, blindfolded him, handcuffed him with his hands behind his back, driven him to a military camp and issued him with a certain number (285, on the trench coat). Then he had been confined for two days in a toilet (Arab) could not sit down - trussed up in a heavy chain. Then they had beaten him in the back with rifle butts - he was still kept blindfolded, except when confronted with an officer. They had then asked him if he knew why he was there. He had said no. They had told him to give an account of what he had done. He had had nothing to say. They had shouted 'liar'. (The officer had been an Iraqi Israeli - the dialect.) Another officer had come, large and tough. He had asked why he was lying. They had taken him to a room. Put him on a bench, handcuffed him to an iron bar over the window, kicked the bench from under his feet, trodden on the foot irons. 'My soul wanted to go out from my body.' He had hung for ten minutes. No water. After ten minutes they had laid him on his back on the floor, with the handcuffs eating into his back, his legs on a bench. His shoes had been removed, and they had beaten him on the soles of his feet, a hundred or two hundred lashes, and then on his toes, which still bear the marks. Then they had beaten the tops of his feet. Then they had lifted him up and beaten him on the palms and backs of his hands. Then they had left him alone for two hours, and then the Iraqi had come back and questioned him - 'but I had nothing to say'. Said that he was politically committed, that he tried to incite people to strike,



handed out papers, that he knew fedayeen. But he had admitted nothing. Then a third officer had asked him why he was lying. Then they had hung him up again and by then it was about 3 p.m. Then they had given him food but he had not felt like eating. They had slapped him in the face to try and make him eat. Then they had given him two cigarettes and left him for the day, in a room with a blanket on the floor. Later I found out that this had been in the Sarafand Camp, a former English military camp on the Israeli side. The next day had been very similar. At 12 o'clock they took me to a place in a field where there was a mound of earth with a pair of feet sticking out. 'We shot your friend and we shall shoot you too.' I understood that they were 'joking'. They fired machine guns outside the whole time in order to frighten us. Later on they put a large dog in the room and a major came in. The major said 'You must tell what you know, I can kill you and send you to hell and no one will come and ask about you. The dog can eat you up.' I was not afraid as I understood that he was joking. Then the major and the dog went out, the Iraqi officer remained and was friendly, said that he must talk, that they would help him. Another officer came with two soldiers. And they hung me up again. Then they had beaten him on the thighs, while he was hanging. My whole body turned as blue as the trench coat (which I was wearing the whole time - it was winter). I heard the sound of weeping coming from the other room while I was hanging. They said your friends are talking. Then they hung me up again and asked if I was married - I am not - and they began to beat me - after they had pulled down my trousers - with a plastic stick on my ..... sexual organs. This went on for six days. The last night a civilian came and bullied me, said very bad words, about God, about me, about my nation. He was drunk, I smelled it. Two soldiers also came and led me blindfolded and handcuffed to a distance some twenty yards away. Then they took one of my hands and fastened it to an iron in the wall and the other to a door with my arms outstretched. Then they tugged at the door. Many times. My crying very loud. Then they slung me into a room. I could not move my left arm for three months. In the morning they took me to another room where there was an electrical device on the floor with wires. The Iraqi officer said that this machine can be used for electric shocks, I do not want to use it on you, I said you can use it because I have nothing to say. He became very bad-tempered and left the room. They did not use the machine, they took me back to my room."

A few days later he was transferred to another prison at Ramleh, from which he was released a few months later after Felicia Langer had worked for him.

Salah had previously been employed in the Jordanian Department of Agriculture and he had also been a health inspector at Jerusalem. He is a Palestinian and is against both the Jordanian and the Israeli occupation of Palestine. Some more notes:

"I am not afraid of the dog, the machine, etc. - I have had some experience in Jordan. I was six months in a Jordanian desert camp - it is the same thing."

"Why were you in prison?" For the freedom of this land."

He counted up his prison terms:

"Ten days in 1953, two years 1956-58, three months after the Iraqi revolution. In 1959, six months at Sarhah and five months in prison. Many times for a couple of days when King Hussein visited Jerusalem - ten days when the Shah was here. I don't care. It is my life. I must fight our enemies and get them out of our country. I am a Palestinian."

#### The lawyers

Felicia Langer's eyes glistened as she told of the gratitude of the tortured girls, emphasizing that they looked upon her as a sister. She said that her office had been a pilgrim's halt for Palestinians and that there were parents who went there every day in tears asking for help. She said that she had done her work in an attempt to show the Palestinians that there are also some good Jews. Speaking of Salah, she also said that at their first meeting - in the prison at Ramleh - he had been so depressed that he had said that he hated this place and wanted to go to Kuwait or Amman. I said that he should not do that as that was just what the Israelis wanted him to do.

When we met Felicia in Jerusalem she stressed time and again that we were not to quote her. She was partly afraid of losing the opportunity to continue her work and partly afraid of meeting with some "accident". But when we happened to meet her at Tel Aviv a few weeks later she said that it might be better if we were to write - one of the Tel Aviv evening papers had called her a traitor to her country a few days earlier. She now thought that it might afford her some protection if it was known that she had had contact with foreign journalists.

Another lawyer, Jamil Shalhoub, at Haifa, dealt with a much discussed torture case in which the client, Uthman Bahsh, had been subjected to treatment similar to that undergone by Salah Nashashibi. He went so far that the case was taken up in the Knesset, the Government ordered an investigation, and one of Israel's leading physicians declared that Uthman Bahsh's paralysed

arm (which he said had been injured by the door-tugging method which Salah Nashashibi described) was immobile as a result of "psychological paralysis".

Lawyer Jamil Shalhoub did not dare to comment on his case - but then he is also a so-called Israeli Arab; Felicia Langer is Jewish and therefore more difficult to get at.

Shalhoub had something else to say, however, and I quote once again from the notebook:

"We were presumed to be unreliable, we have no chance of feeling that we are citizens of Israel even if we wanted to. A witness who is an Israeli Jew is always believed, and is sufficient evidence against a witness who is an Israeli Arab. At any time any Arab can be arrested on the pretext that he has spoken critically about the State, about Dayan, etc. - and we know this, we are constantly aware of it. ... In our situation we are unable to disprove any false charge that is brought against us."

Annex V

COMMUNICATION RECEIVED BY THE SPECIAL WORKING GROUP CONCERNING  
DEMOLITION OF HOUSES IN JERUSALEM BY THE OCCUPYING AUTHORITIES<sup>a/</sup>

1 August 1969

To the Chairmen and members of the United Nations  
Enquiry Commission

Gentlemen:

I submit herewith for your information statistical information collected by me on the number of houses destroyed by the Israeli Army on the occupied West Bank since cease-fire on 11 June 1967, with a detailed breakdown for the Jerusalem area.

This is only a small part of the information I have gathered. I have a similarly detailed breakdown for houses in the other five districts. And I also have listings of people deported, arrested and maltreated.

I am unable to send you all my files on these various subjects because of their bulk and the labour of translating everything into English. I have therefore decided to send you a small example concerning Jerusalem only, because the Holy City is of particular concern to the United Nations, and relating to destroyed houses because a house that is dynamited or bulldozed is incontrovertible evidence.

Many, if not most, of these houses have been destroyed on suspicion, and the Israeli authorities have themselves admitted on some occasions that their suspicions were unfounded but by that time the houses were destroyed.

I intended to travel to Amman or Beirut to present this material to you personally. I have to apply to the Israeli occupation authorities for permission whenever I leave. This time permission was refused me, though it was granted to my wife.

I have handed over a full set of the files to representatives of the International Red Cross, who said that they had sent it to Geneva, after which nothing was heard from them.

---

<sup>a/</sup> The Special Working Group knows the identity of the author of this communication.

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English

Annex V

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I wish you success in your endeavours. May justice and humanity prevail.

With respectful greetings, I remain,

Yours faithfully,

SUMMARY OF HOUSES DESTROYED BY THE ISRAELI ARMY IN THE OCCUPIED WEST  
BANK AFTER THE CEASE-FIRE  
(From 11 June 1967)

District	Number destroyed from 11 June 1967 to 4 April 1969	Number destroyed from 5 April 1969 to 25 June 1969	Total
Jerusalem	145	86	231
Latrun Corridor	1,830	670	2,500
Samaria, Nablus, Tulkarm, Jenin and Qalqilya	2,635	959	3,594
Hebron	382	17	399
Ramallah, Bireh and their villages	33	1	34
Bethlehem and its villages	45	32	77
Grand total	5,070	1,765	6,835

HOUSES AND SHOPS DESTROYED BY THE ISRAELIS IN THE CITY OF JERUSALEM  
(Covering the period beginning with cease-fire  
10 June 1967 through 18 July 1969)

Number of houses destroyed	Quarter	Date of destruction	Notes
135	Maghribi	11, 12, 13 June 1967	For names of tenants and details see supplement number 1. The tenants of these houses were not given more than one day to vacate these houses and were not provided with alternative accommodation. A woman was killed when her house collapsed during Israeli bulldozing operations. She was Hajji Rasmiya wife of Haj Ali al-Baskari. No compensation was paid although the Israeli municipal official responsible, Myron Ben Nesty, promised that such compensation would be paid and a list of people compensated would be drawn up.
23	Al-Zawiya al-Fakhriya	12 June 1967 12 July 1967 8 July 1968 1 December 1968 15 June 1969 24 June 1969	See supplement number 2 for names of owners and tenants of houses.
20	Musrara	27 June 1967	See supplement number 3 for names of owners and tenants.
3	Bab al-Amoud and Bab al-Jedid	22 June 1967	See supplement number 4 for names of owners.
79	Bab al-Khalil (the Anbusi Wakf)	27 June 1967	See supplement number 5. Some 600 people benefitted from the wakf properties.
8	Shammaa (the Shammaa Market)	10 August 1967	Seven shops and one garage owned by Hajj Mahmoud al-'Asi and his family.

HOUSES AND SHOPS DESTROYED BY THE ISRAELIS IN THE CITY OF JERUSALEM  
(Continued)

Number of houses destroyed	Quarter	Date of destruction	Notes
5	Shaikh Jarrah	1968	See supplement number 6.
8	Ard al-Summar	1969	See supplement number 7.
1	Wadi al-Joz	6 March 1968	House owned by Diya Ud-Din Said al-Nammari.
1	Beit Hanina	6 March 1968	A garage
2	Wadi al-Joz	17 March 1969	Four flats owned by Muhammad Issa al-Ubaidi.
2	Al-Thawri	17 March 1969	Owned by Kassem Salman al-Kawasemi and Abdul Muttaleb abu Rumela.
3	Wadi al-Joz	18 March 1969	Owned by Mahmoud Ali Id and Daoud Abd Abu Diab.

The above does not include houses and shops in an area of 116 dunums in the Sharraf Quarter which the Israelis confiscated on 18 April 1968. These comprise 1,038 houses, 438 shops, five mosques, and five Islamic schools. For some details see supplement 8.



Supplement 1

## MAGHRIBI WAKF

Property destroyed in the Maghribi Quarter of Jerusalem and Estimated Value of Property

Number	Tenant	Estimated value in dinars
1	Muhiyydin al-Shami	1500
2	Maintenance shop	1500
3	Hajj Kassem al-Darraji	1200
4	Hajj Kassem al-Darraji	1200
5	Abdullah Kassem al-Darraji	2400
6	Hassan al-Jandoubi	1200
7	Zakarayya al-Ziwawi	1800
8	Mahmoud al-Jirbi	2000
9	Ahmad Hamida	1200
10	Fuad Hamida	1200
11	Yehya al-Ziwawi	1500
12	al-Ziwawi	750
13	Ali al-Ziwawi	500
14	Omar al-Juzbi	600
15	Muhammad Abdul Jalil al-Maghribi	1200
16	Abdul Jalil Ayed al-Maghribi	1200
17	Ramadan Mousa Kassem	1200
18	Abdul Monem Moussa Kassem	1500
19	Abdul Rahman Moussa Kassem	750
20	Widow of Abdul Kader al-Issa	1200
21	Ahmad Atallah	1200
22	Na'meh Saleh and son Ahmad	1500
23	Umm Hannah Chehab	500
24	Asa'd al-Atrash	500
25	Asa'd al-Atrash	700
26	Adnan Afnibi and others	1500

/...

Property destroyed in the Maghribi Quarter of Jerusalem and Estimated  
Value of Property  
(Continued)

Number	Tenant	Estimated value in dinars
27	Adnan Afnibi	1200
28	(Abu al-Saud and Company owners) Mahmoud Arab	1200
29	Harbi al-Tib	3000
30	Issa al-Tib	1200
31	Kahlil al-Tib	600
32	Zenab al-Dakali	1200
33	Hajj Khalil al-Labban	1200
34	Ishaq Khalil al-Labban	1500
35	Ibrahim Ibn Salah al-Ashuri	1500
36	Yousra al-Marakishi	600
37	Yousra al-Marakishi	600
38	Yousra al-Marakishi	600
39	Ali Said al-Ziwawi	2500
40	Ali al-Shawish	1500
41	Muhammad al-Juda	1500
42	Safiya Ali Rashid	500
43	Wakf Shop	400
44	Mahmoud Abdul Wahhab	1500
45	Umm Mahmoud Abdul Wahhab	1500
46	Said al-Filali	4500
47	Saleh Dib al-Labban	2250
48	Muhammad al-Ziwawi	1200
49	Muhammad al-Ziwawi	750
50	Jumma' al-Ahwad	1200
51	Ibrahim al-Ahwad	750
52	Rashid al-Mahmoud	1500

Property destroyed in the Maghribi Quarter of Jerusalem and Estimated  
Value of Property  
(Continued)

Number	Tenant	Estimated value in dinars
53	Ali al-Labban	1500
54	Nelly Ali al-Labban	1500
55	Abdul Khalass and Sons	2000
56	Farah al-Khalass	2000
57	Omar al-Hajj Arab	2250
58	Mahmoud al-Shawi	1500
59	Fathi al-Hajj Arab	1500
60	Widow of al-Hajj Arab	1500
61	Kazem Saleh al-Touni	2400
62	Muhammad Said al-Ziwawi and Bros.	1500
63	Umm Muhammad Said al-Ziwawi	600
64	Hajj Saleh al-Tayyib	2000
65	Hajj Saleh al-Tayyib	750
66	Abdul Kader Habib and Bros.	1500
67	Fatimah Sbai	1200
68	Abdul Majid Owaiss	600
69	Mahmoud al-Darawi	1200
70	Zahara al-Fabia'	1500
71	Hajj Ibrahim al-Daraji	1800
72	Abdullah Ahmad al-Mughrabi	1800
73	Ahmad Abdul Salam al-Fasi	1500
74	Ahmad Abdul Salam al-Fasi	2250
75	Hassan al-Nawati	1500
76	Ahmad Abdullah al-Jaridi	1200
77	Widow of Abdullah al-Jaridi	250
78	Tehsir Abdullah al-Jaridi	600
79	Ahmad al-Adadi	1200
80	Abdul Rahman al-Serrgupti	1500

Property destroyed in the Maghribi Quarter of Jerusalem and Estimated  
Value of Property  
(Continued)

Number	Tenant	Estimated value in dinars
81	Moroccan Ambassador	2000
82	Muhammad Abdul Haq	2500
83	Widow of Hajj Ibrahim Abdul Haq	2000
84	Maghribi Wakf Office	750
85	Maghribi Wakf Store	500
86	Hassan Ali al-Mughrabi and Mother	2500
87	Muhammad Muhammad al Mahdi	1500
88	Shaikh Muhammad al-Mahdi	3000
89	Maghribi Wakf Store	500
90	Issa Hashem al-Mughrabi	700
91	Hajj Yousef Ali	2250
92	Maghribi Wakf	700
93	Shaikh Abdul Rani al-Atrash	1200
94	Fatmeh al-Sbai	1200
95	Fatmeh al-Sbai	600
96	Ahmad al-Bijani	2250
97	Saleh al-Darajji	1200
98	Muhammad Bashir Kassem	1200
99	Moussa al-Darajji	1200
100	The Bouraq Mosque	5000
101	Hassan al-Zahani	500
102	Zainab al-Mughrabi	600
103	Ali al-Shawi	750
104	Hamzi al-Shawi and Bros.	750
105	Shaikh Hassan al-Halafawi	1200
106	Mahmoud Zawawi	1200
107	Mahmoud Zawawi	1200
108	Yehya Muhammad al-Shaikh	1200

Property destroyed in the Meghribi Quarter of Jerusalem and Estimated  
Value of Property  
(Continued)

Number	Tenant	Estimated value in dinars
109	Muhammad al-Mukthar al-Shankiti	1500
110	Moussa and Muhammad Taha	5000
111	Widow of Abd al-Daim	1200
112	Muhammad Abdul Rani al-Atrash	750
113	Ismail al-Muhairi	750
114	Hajji Farha Serrgupti	800
115	Abdul Kader Serrgupti	1200
116	Issa Hashem al-Mughrabi	800
117	Umm Issa Hashem al-Mughrabi	800
118	Muhammad Ali al-Kuwati	1800
119	Mahmoud Ali al-Kuwati	1800
120	Ali and Hussain Kabalati	3000
121	Latifeh Anwar	600
122	Mahmoud Hassan al-Mughrabi	1500
123	Hassan Muhammad al-Mughrabi	2000
124	Musbah Abu Mahdi	2000
125	Khadiseh al-Nabulsi	1200
126	Said al-Farkh	1000
127	Muhammad Ahmad Sirhan	1500
128	Ahmad Sirhan	1500
129	Jamil al-Salhi	1200
130	Amina al-Adawi and Mother	600
131	Youssef al-Salhi	1200
132	Muhammad al-Madbouli	2250
133	The Mosque of Shaikh Abd	4000
134	Shahadi al-Tutingi	2500
135	Issa Abu Sukkar	2400

Supplement 2

HOUSES NEIGHBOURING THE SOUTH-WESTERN WALL OF THE AL-AKSA MOSQUE  
BELONGING TO THE FAMILY OF ABU AL-SAOUD\*

Date of destruction	Tenants' names	Number of inhabitants
12 June 1967	Umm Saïd Shabani	4
12 June 1967	Anabtawi	12
12 July 1967	Aziza Al-Raminiah	5
12 July 1967	Issa Wazwaz	1
December 1967	Nazira al-Raminiah	3
December 1967	Hajj Abd Mujahid	5
December 1967	Ibrahim Shitti	6
December 1967	Abu Layla	9
July 1968	Muhammad Abu Rajab	9
December 1968	Baha Abu Saoud	10
First section in July 1968 - second section 15 June 1969	Tewfiq Saranda	8
15 June 1969	Moussa Abu Saoud	5
15 June 1969	Moussa Abu Saoud	-
15 June 1969	Hajj Tahir Abu Gharbir	18
15 June 1969	Hashem Abu Saoud	4
15 June 1969	Hashem Abu Saoud	2
24 June 1969	Al-Babisi	-
24 June 1969	Nimr Abu Saoud	5

\* The owners of these houses are the following members of the Abu Saoud family: Mustapha, Omar, Haidar, Hassan, Tewfiq, Mahmoud, Hashem, Fuad, Hamdi, Tahir, Ahmad, Nimr.

Supplement 3

MUSRARA QUARTER

Number	Owner of property	Tenant	Use
1 through 7	Muhammad al-Jisha and Faidi Brothers	Muhammad Faidi and Tewfiq Abu Zahra Abu Jamil Ishaq Abdul Rani al-Mani Abdul Kassas and Hashem al-Nammari Nirmada Company Empty Empty	Shop Shop Shop Garage
8	Mujahid	Mujahid	Residence
9 and 10	Nakhle Salim al-Khair	Abu Khalil al-Habash Nakhle Salim al-Khair	Shop Residence
11	Al-Shuwaiki and Hannah al-Abd	Fahed Najjar	Residence
12	Al-Hashash	Al-Hashash	Laundry
13 through 17	Al-Dusdar	Muhammad Said Harbawi Sadek Dajani Musallam Nimr Mujahed Muhammad Said al-Harbawi	Shop Shop Shop Shop Oven
18	Muhammad Hassan al-Bushiti	Muhammad Hassan el-Bushiti	Shop
19	Masoud Bouterni	Abu Nasir	Residence
20	George al-Shiber and Jamil al-Mashi	Several tenants	Apartment

/...

Supplement 4

IN NO-MAN'S LAND BETWEEN BAB AL-AMOUD AND BAB AL-JEDID

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- 1 Assyrian Catholic Monastery
- 1 House belonging to Dr. Baz Haddad
- 1 House belonging to Issa al-Tori



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Supplement 5

THE ANBUSI WAKF\*

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These properties were registered with the Government of Palestine, Land  
Records, Volume 46.

Registration number 448-36. Page 143.

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\* Found in No-man's Land.

/...

Supplement 6

SHAIKH JARRAH

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- 1 House belonging to Badr Sharraf
- 1 House belonging to Ahmad Laftawi
- 1 House belonging to Bethlehem family
- 1 Building owned by the Municipality of Jerusalem  
Al-Mughrabi House used as police station

Supplement 7

ARD AL-SUMAR

Number	Owner of property	Number of inhabitants
1	Hajj Ali Khalaf	12
2	Hassan Hamad Ben Hamad	7
3	Jamil Issa Akl	20
4	Nawara Akl	6
5	Amneh Abdul Rahman	8
6	Hajj Moussa Abu Lail	6
7	Wadia Shanak	9
8	Muhammad Abu Atieh	11

Supplement 3

AL-SHARRAF

Number	Owner of property	Tenant
1 - 4	Mughribi Wakf	Fatmeh Ahmad Ali Nimr Salha Muhammad Sharara Ibrahim Hassan Id Salim Hassanein
5	Al-Abdu	Wazwaz Family Tehsir Abdul Majid Fatmeh Husain Ali
6 - 12	Abu al-Saoud	Mahmoud Husain Zaidan Twefiq Sarrandah Muhammad Abdullah Nazira Bedawi Bedawi Muhammad Beha-i Abu Saud Jawdat Mujahir Muhammad Mujahir Naim Ishti
13	Adham al-Muakat	Muhammad Mahmoud Kash'am

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מדינת ישראל

מ.א. 11111111111111111111

המנהל

הרכבה

מאח

לשכת ראש הממשלה

א.א.א.א.א.

מ.א. 11111111111111111111  
מ.א. 11111111111111111111  
מ.א. 11111111111111111111

כניסה דרושפטים
1 איור תשלום = 8.5.70
45421

30.4.70

7



משרד החוץ

ירושלים, כס' בניסן תש"ל  
5 במאי 1970

אל : היועץ המשפטי לממשלה, משרד המשפטים, ירושלים  
מר יהודה אילן, מ"מ מנהל מרכז ההסברה, משרד ראש הממשלה י"ם  
סגן אלוף דויד, המחלקה לתיאום הפעולה בשטחים, משרד  
הבטחון, חל-אביב

היועץ המשפטי, משה"ח  
מר מ. ששון, סמנכ"ל, משה"ח  
מר שמואל דיבון, יועץ, משה"ח  
מר נ. בר-יעקב, מנהל מאו"ם 1, משה"ח  
מר צ. נאמן, ס/מנהל מאו"ם 1, משה"ח

מאת: היועץ המדיני לשר החוץ

הנכם פוזמנים לישיבה לשם דיון בנושא:

ועדות האו"ם לשטחים - תגובות יזומות על ידינו.

הישיבה תתקיים באולם שרת במשרד החוץ, ביום שלישי,  
19 במאי 1970, בשעה 11.00 לפנה"צ.

בברכה,  
מ. קומי

אילן  
מ. קומי



STATE OF NEW YORK

IN SENATE,  
January 11, 1911.

REPORT OF THE  
COMMISSIONERS OF THE LAND OFFICE,  
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE  
MAY 15, 1909, CONCERNING THE LANDS BELONGING TO THE STATE.

ALBANY:  
J. B. LIPPINCOTT COMPANY,  
PRINTERS,  
1911.

FOR SALE BY THE STATE BOOK CONCERN

THE STATE OF NEW YORK

OFFICE OF THE COMMISSIONERS OF THE LAND OFFICE

ALBANY, N. Y., 1911.

STATE OF NEW YORK

ALBANY

6

2023

תא 4010039  
תלאביב 101/200 2100 28

שר הבטחון הקריה תלאביב

נודע לנו היום כי העצורים המינהליים . העצורים והאסירים  
 הערביים בבתי הסוהר בישראל ובשטחים הכבושים בדמון . בשטה .  
 ברמלה בבית ליד . באשקלון . בחברון . בשכם וברמאללה .  
 פתחו ביום 28.4.1970 בשכיתת רעב . תביעתם של העצורים  
 המינהליים המוחזקים ללא משפט וללא אשמה על פי התקנות לשעת  
 חירום המנדטוריות . היא לשחררם מיד או להעמידם למשפט אם  
 יש אשמה כלשהי נגדם . העצורים והאסירים בבתי הסוהר השונים  
 מעלים תביעות להפסיק את העינויים וההתעללות בהם ובמיוחד בעת  
 החקירות . לשפר את תנאי המאסר . להמעיט את הצפיפות בתאיהם .  
 להקל על ביקורי משפחותיהם ולשמור על זכויות באדם בתוך  
 בתי הסוהר . האסירים והעצורים מוחים על הכיבוש . סיעתנו  
 הקומוניסטית בכנסת תובעת לשחרר בלא דיחוי את כל העצורים  
 המינהליים המוחזקים ללא משפט מאחר שאין נגדם כל אשמה .  
 אנו תובעים להפסיק את העינויים והפגיעות בעצורים ובאסירים .  
 לשפר את תנאי המאסר . לכבד את זכויות היסוד של האסירים  
 והעצורים ולהבטיח את תביעותיהם הצודקות . הכיבוש והמשכו  
 פוגע בסיכויי השלום . מביא בעת ובעונה אחת לפגיעות הולכות  
 וגדלות בזכויות האדם בשטחים הכבושים וגם בישראל עצמה .  
 אינטרס השלום . אינטרס זכויות האדם ועתיד היחסים בין שני  
 העמים תובע מממשלת ישראל לקבל את החלטת מועצת הבטחון מ-22  
 בנובמבר 1967 . לסיים את משטר הכיבוש ולקדם את עניין השלום  
 חבר הכנסת תופיק טובי בשם סיעת רקיח בכנסת



מ. ק. נ.  
 30/4/70





2/ אישי - שמור

ירושלים, כ"ב ניסן תש"ל  
28 באפריל 1970

41421/434

אל: קמ"ט משפטים/ממקדח רבועה עזה וצפון סיני

הנדון: ברור האשמות

ברר נא, אם צריך בעזרתו של סא"ל ענבר אם היו בעזה:

- (א) ד"ר הייזר אבו שפי - אב"ד הסדעי.
- (ב) עו"ד כסם - מאוזן אל חוסייני.

אנא יתן תשובה מוקדם.

ב בר כ ה,

מאיר שמגר  
היועץ המשפטי לממשלה

1970-1971  
1970-1971  
1970-1971

...

...

...

...

...

...



ארכיון המדינה

משרד ראש הממשלה

## טופס מראה מקום להוצאת תעודות יחידות\*

חטיבה מס': 74  
מיכל מס': 5736/8  
תאריך התעודה: 6.5.70  
שם מחבר התעודה: רשמי סאלי סקרי  
סוג התעודה (סמן ✓ במקום המתאים):  
שם הנמען: הר"ר (העובד) זמיר  
תיק מס': 14

- מכתב
- מברק
- תזכיר או מיוזכר
- דין וחשבון או זכרון דברים משיחה או דיון
- פרוטוקול של שיחה, דיון או ישיבה

\*הטופס ימולא בשני עותקים. העותק הירוק יוכנס לתיק במקום התעודה שהוצאה; העותק הלבן יצורף לתעודה שהוצאה.



ארכיון המדינה

משרד ראש הממשלה

## טופס מראה מקום להוצאת תעודות יחידות\*

חטיבה מס': 74

תיק מס': 14

מיכל מס': 5376/6

תאריך התעודה: 14.6.66

שם הנמען: אברהם ראובן גולד' קצין

שם מחבר התעודה: צ'י בוס' ארז/תמ"ן

סוג התעודה (סמן ✓ במקום המתאים):

מכתב

מברק

תזכיר או מיוזכר

דין וחשבון או זכרון דברים משיחה או דיון

פרוטוקול של שיחה, דיון או ישיבה

\*הטופס ימלא בשני עותקים. העותק הירוק יוכנס לתיק במקום התעודה שהוצאה; העותק הלבן יצורף לתעודה שהוצאה.