

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8828
9 October 1972

ORIGINAL: ENGLISH

Twenty-seventh session
Agenda item 42

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

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the attached report, which was submitted to him by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in accordance with paragraph 10 of General Assembly resolution 2851 (XXVI) of 20 December 1971.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
LETTER OF TRANSMITTAL		3
INTRODUCTION	1 - 11	6
I. ORGANIZATION OF THE WORK OF THE SPECIAL COMMITTEE	12 - 23	10
II. MANDATE	24 - 25	15
III. ANALYSIS OF EVIDENCE	26 - 82	16
A. Allegations of annexation and settlement	26 - 38	16
B. Allegations of transfer of population and expropriation of property	39 - 45	23
C. Allegations of demolition of houses	46 - 50	27
D. Allegations of deportation	51 - 56	28
E. Allegations of the denial of the right to return	57 - 61	31
F. Allegations of ill-treatment while under detention	62 - 73	32
G. Cumulative effect of measures referred to in sections A to F	74 - 78	35
H. Other allegations	79 - 82	38
IV. CONCLUSIONS	83 - 99	40
V. ADOPTION OF THE REPORT	100	44

ANNEXES

- I. MAP PUBLISHED IN THE JERUSALEM POST ON 20 JULY 1972 SHOWING NEW SETTLEMENTS ESTABLISHED SINCE THE JUNE 1967 HOSTILITIES
- II. LIST OF SECURITY COUNCIL AND GENERAL ASSEMBLY DOCUMENTS CIRCULATING LETTERS FROM THE GOVERNMENTS OF EGYPT, ISRAEL, JORDAN AND SYRIA CONCERNING THE SITUATION IN THE OCCUPIED TERRITORIES

LETTER OF TRANSMITTAL

25 September 1972

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has the honour to present the attached report to you as requested by the General Assembly in resolution 2851 (XXVI). The report has been formulated in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV) and 2851 (XXVI).

In operative paragraph 7 of resolution 2851 (XXVI) the General Assembly urged the Government of Israel to co-operate with the Special Committee and to facilitate its entry into the occupied territories in order to enable it to perform the functions entrusted to it by the General Assembly. The Special Committee has to report with regret again this year that the Government of Israel continues to ignore this appeal for its co-operation, as well as a similar appeal contained in General Assembly resolutions 2443 (XXIII) and 2727 (XXV).

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

The Special Committee has kept abreast of developments in the occupied territories throughout the period since its first visit to the Middle East in 1970. The evidence available to the Special Committee since 10 December 1971, when it presented its last report to your predecessor, has confirmed its impression that policies and practices violating the human rights of the population of the occupied territories, which became apparent to it in 1970, have continued and have become even more manifest. This applies especially to the policies of settlement and of annexation of certain territories at present under the Israeli occupation. The Special Committee notes with concern that since the June 1967 hostilities, Israel has established at least 43 settlements in the occupied territories. The establishment of these settlements together with the periodic mass transfers of people in the occupied territories, such as the mass transfers that took place in Gaza and Northern Sinai during 1972, involving the displacement of about 11,000

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

persons, as confirmed by in situ reports by the International Committee of the Red Cross, as well as the continuing refusal of the Government of Israel to allow those hundreds of thousands of persons who fled the territories during the hostilities to return to their homes, constitutes in the Special Committee's opinion a most serious and disturbing violation of the human rights of the population of the occupied territories. The Special Committee holds this belief because such a policy cannot but deny the population of the occupied territories their right to a national identity, a right which they have always had and which was sanctioned by the General Assembly in its resolution 181 (II) and most recently reaffirmed by the General Assembly in resolution 2792 D (XXVI). The measures that have been taken by Israel in the occupied territories all tend to show that they will make the occupied territories socially, economically, politically and juridically part of Israel unless some form of supervision of the occupation is put into effect immediately to arrest such a trend.

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

The Special Committee cannot but express disappointment at the fact that the parties in this conflict have not so far taken advantage of the announcement by the International Committee of the Red Cross that it is prepared to take upon itself all the tasks envisaged for the Protecting Power in terms of the Geneva Conventions. As the Government of Israel has refused to receive the Special Committee or to co-operate with it, but has allowed the International Committee to function within the occupied territories, the Special Committee considers it most desirable, necessary and even feasible that appropriate arrangements be made to enable the International Committee to begin forthwith the exercise of the functions of a Protecting Power in the occupied territories in the Middle East.

The Special Committee regrets that despite the repeated recommendation that it has made in its reports, its mandate has been renewed with no attempt nor any action to provide a machinery for the supervision of the implementation of the international law pertaining to the human rights of the population of the occupied territories. In the debates that have taken place in the General Assembly at its twenty-fifth and twenty-sixth sessions on the reports of the Special Committee, there is no indication whatsoever as to the reasons why the recommendation of the Special Committee has not been considered by a large section of its membership. In the opinion of the Special Committee, this attitude of indifference has not served the cause of humanity and has not helped to discourage the Occupying Power from persisting in its disregard for the provisions of the Fourth Geneva Convention, in particular those provisions concerning transfer of population and annexation and settlement of occupied territories. The responsibility of the United Nations for the safeguarding of human rights has been repeatedly and universally stressed by the Member States and there is, therefore, no reason why a recommendation such as the

one made by the Special Committee in its reports should not have formed a subject of more earnest consideration by these States in the course of the twenty-fifth and twenty-sixth sessions of the General Assembly.

The Special Committee wishes to place on record its sincere appreciation of the co-operation it has received from Your Excellency and those members of the staff of your Organization who have been associated with it.

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

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

INTRODUCTION

1. The purpose of this introduction is to trace briefly the history of the Special Committee and to that extent it reproduces what has been stated in its previous reports. The Special Committee was established by the General Assembly in resolution 2443 (XXIII), adopted at its 1748th plenary meeting on 19 December 1968. In that resolution, the General Assembly referred to the purposes and principles of the Charter of the United Nations regarding the right of everyone to return to his country. It recalled Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolution 2252 (ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967, Commission on Human Rights resolution 6 (XXIV) of 27 February 1968 and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, in which the Government of Israel was called upon, inter alia, to facilitate the return of those inhabitants who had fled the area of military operations at the outbreak of hostilities. The General Assembly recalled the telegram despatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist from actions destroying homes of the Arab civilian population in the occupied territories. In addition, the Assembly recalled Security Council resolution 259 (1968) of 27 September 1968, in which the Council expressed its concern for the safety, welfare and security of the inhabitants of the occupied territories and deplored the delay in the implementation of Council resolution 237 (1967). The General Assembly also noted resolution 1 on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968 in which the Conference, inter alia, expressed grave concern at the violation of human rights in the occupied territories, drew the attention of the Government of Israel to the grave consequences resulting from disregard of fundamental freedoms and human rights in occupied territories, called upon the Government of Israel to desist from acts of destroying homes of Arab civilians in the occupied territories and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949, and affirmed the inalienable rights of all inhabitants who had fled their homes as a result of the outbreak of hostilities to return home, resume their normal life, recover their property and homes and rejoin their families, according to the provisions of the Universal Declaration of Human Rights. By that resolution, the General Assembly decided to establish a Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three member States; requested the President of the General Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter, and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task. The Special Committee's mandate, namely to investigate Israeli practices affecting the human rights of the population of the occupied territories, was established in that resolution.

2. The following Member States were appointed on 12 September 1969 to serve on the Special Committee: Somalia, Sri Lanka and Yugoslavia.

3. The Government of the Somali Democratic Republic appointed Mr. Abdulrahim Abby Farah, Permanent Representative of Somalia to the United Nations, to represent Somalia on the Special Committee. The Government of Sri Lanka appointed Mr. H. S. Amerasinghe, Permanent Representative of Sri Lanka to the United Nations, to represent Sri Lanka on the Special Committee. The Government of Yugoslavia appointed Dr. Borut Boht, Associate Professor of the Faculty of Law of Ljubljana University and member of the Federal Assembly of the Socialist Federal Republic of Yugoslavia, as the representative of Yugoslavia on the Special Committee. On 24 June 1971, the Government of Somalia Democratic Republic informed the Secretary-General that Mr. Hussein Nur-Elmi, Ambassador Extraordinary and Plenipotentiary, had been appointed to act instead of Mr. A. A. Farah on the Special Committee. Ambassador Nur-Elmi has continued to function in that capacity since that date.

4. The General Assembly in resolution 2546 (XXIV), adopted at its 1829th plenary meeting on 11 December 1969, reaffirmed its resolutions relating to the violations of human rights in the territories occupied by Israel; expressed its grave concern at the continuing reports of violation of human rights in those territories; and condemned such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the territories occupied by Israel. The General Assembly urgently called upon the Government of Israel:

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

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

5. In pursuance of its mandate, and taking cognizance of the provisions of General Assembly resolution 2546 (XXIV) as directed by the Assembly, the Special Committee in 1970 conducted an investigation of the allegations of violations of human rights of the population of the occupied territories. Hearings were held by the Special Committee in London, Beirut, Damascus, Amman, Cairo, Geneva and New York, and the evidence of persons who claimed to have first-hand experience of such violations of human rights was recorded. The Special Committee also received information from the Governments of Egypt, Jordan and Syria, which appear as annex V to its first report (A/8089). The evidence presented to the Special Committee in addition included documentary evidence in the form of newspaper articles by journalists, published statements of responsible representatives of the Government of Israel, published reports, including reports of surveys such as those conducted by the Institute of Palestinian Studies and the American University of Beirut, and of investigations such as those undertaken by Amnesty International, the National Council of Churches of Christ, USA, and the International Association of Democratic Lawyers; and graphic evidence in the form of films on the human rights of the population of occupied territories.

6. On 5 October 1970, the Special Committee presented its first report 1/ to the Secretary-General in conformity with General Assembly resolution 2443 (XXIII). The Secretary-General made the report available to the General Assembly. In accordance with the recommendation of its General Committee the General Assembly decided to refer it to the Special Political Committee. The report was discussed in that Committee at its 744th-751st meetings from 7 to 11 December 1970 (A/SPC/SR.744-751). On 15 December 1970, at its 1931st plenary meeting, the General Assembly examined the report of the Special Political Committee (A/8237) and adopted resolution 2727 (XXV). In this resolution, the General Assembly, while renewing the mandate of the Special Committee, called upon the Government of Israel to implement the recommendations of the Special Committee embodied in its report and to comply with its obligations under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations. The General Assembly asked the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work.
7. The Special Committee's programme in 1971 consisted of a series of hearings, conducted from 7 to 16 July 1971 in Amman and Beirut, where further evidence relevant to its mandate was recorded. In addition to the oral testimony recorded at these hearings, the Special Committee had before it information from Governments, information communicated to it by the International Committee of the Red Cross (ICRC) existing in publications of the ICRC and information contained in Israeli newspapers, in the reports of the Institute for Palestinian Studies and the Palestine Research Centre, as well as information contained in memoranda presented to the Special Committee in the course of its visit to Amman and Beirut.
8. On 17 September 1971 the Special Committee presented its second report to the Secretary-General (A/8389 and Corr.1 and 2), prepared in accordance with the terms of General Assembly resolutions 2443 (XXIII), 2546 (XXIV) and 2727 (XXV).
9. In that report, the Special Committee stated that since it had been unable to obtain the permission of the Government of Israel to visit the occupied territories, it had been obliged once again to pay particular attention to official pronouncements by members of the Israeli Government and other Israeli leaders concerning Israeli practices in the occupied territories.
10. On 10 December 1971, the Special Committee presented a supplementary report to the Secretary-General containing information which had become available after the completion of its second report (A/8389/Add.1 and Add.1/Corr.1 and 2).
11. The Secretary-General made these reports available to the General Assembly. They were discussed in the Special Political Committee at its 798th to 803rd meetings from 13 to 16 December 1971 (A/SPC/SR.798-803). On 20 December 1971, at its 2027th plenary meeting, the General Assembly considered the report of the

1/ Official Records of the General Assembly, Twenty-fifth session, document A/8089.

Special Political Committee (A/8630) and adopted resolution 2851 (XXVI). In that resolution, the General Assembly called upon the Government of Israel to permit all persons who had fled the occupied territories or who had been deported or expelled therefrom to return to their homes. The General Assembly reaffirmed that all measures taken by Israel to settle the occupied territories including occupied Jerusalem were completely null and void. The General Assembly requested the Special Committee to continue its work and to consult as appropriate with the ICRC. It called upon the Government of Israel to comply fully with its obligations under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and urged it to co-operate with the Special Committee and to facilitate its entry into the occupied territories in order to enable it to perform the functions entrusted to it by the General Assembly. The Assembly requested all States parties to the Geneva Convention of 12 August 1949 to do their utmost to ensure that Israel respect and fulfil its obligations under that Convention. In the same resolution the Assembly called upon Israel to rescind all measures and to desist from all policies and practices which infringed on the rights of the population of the occupied territories. The Assembly requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter.

I. ORGANIZATION OF THE WORK OF THE SPECIAL COMMITTEE

12. The Special Committee continued to follow developments in the occupied territories through the Israeli press and other sections of the foreign press, as well as through press reports of statements by members of the Government of Israel and other Israeli leaders. In addition, the Special Committee took note of information contained in United Nations documents, some of which contained the text of letters from the Governments of Egypt, Israel, Jordan and the Syrian Arab Republic. The Special Committee also took note of the information communicated to it by the ICRC and contained in publications of the ICRC.

13. The Special Committee continued its work under the rules of procedure reproduced in annex III of its first report to the Secretary-General (A/8089).

14. The Special Committee had a series of informal meetings at United Nations Headquarters in New York in June 1972 to examine the information that it had before it and to decide whether to undertake another field mission for the purpose of hearing further evidence. The Special Committee did not consider it necessary at that stage to undertake another field mission. It decided therefore to hold meetings in Geneva during the period 21 August to 1 September 1972 to consider and adopt a report based on information received after 10 December 1971, the date of the adoption of its last report to the Secretary-General (A/8389/Add.1 and Corr.1 and 2).

15. On 12 June 1972, the Special Committee addressed letters to the Secretary-General and to the ICRC.

16. In the letter to the Secretary-General, the Special Committee stated:

"The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories will be meeting in August to prepare its report as requested by the General Assembly in its resolution 2851 (XXVI) of 20 December 1972.

"It would be most helpful to the Special Committee, in the preparation of its report, if you could communicate to it any information that is available as a consequence of paragraphs 7 and 9 of this resolution, by which the General Assembly,

"/Urged/ the Government of Israel to co-operate with the Special Committee and to facilitate its entry into the occupied territories in order to enable it to perform the functions entrusted to it by the General Assembly;

"/Requested/ all States parties to the Geneva Convention of 12 August 1949 to do their utmost to ensure that Israel respects and fulfils its obligations under that Convention'."

17. On 20 June 1972 the Secretary-General replied as follows:

"I have the honour to refer to your letter of 12 June 1972 requesting on behalf of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories the communication of any information that might be available as a consequence of paragraphs 7 and 9 of General Assembly resolution 2851 (XXVI) of 20 December 1971.

"I wish to inform you that on 22 December 1971, my predecessor transmitted resolution 2851 (XXVI) of the General Assembly to the Minister for Foreign Affairs of Israel, drawing his attention in particular to paragraphs 5 and 7 of that resolution. No reply to this communication has been received to date.

"I have no information on the response to the request which the General Assembly addressed to all States parties to the Geneva Convention of 12 August 1949 in paragraph 9 of its resolution."

18. In the letter to the ICRC, the Chairman of the Special Committee stated:

"I have the honour to refer to General Assembly resolution 2851 (XXVI) of 20 December 1971 entitled Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, copy attached. By paragraph 6 of this resolution, the Assembly has requested the Special Committee to consult as appropriate, with the International Committee of the Red Cross.

"The Special Committee plans to hold a series of meetings from 21 August to 1 September 1972 in Geneva to adopt its report under the same resolution 2851 (XXVI). The Committee would take this opportunity to invite the International Committee of the Red Cross to conduct consultations with it on the current state of the implementation of the Geneva Conventions in the Israeli-occupied territories.

"The Special Committee considers it a matter of urgent necessity to secure the effective implementation of the Geneva Conventions in the occupied territories. As the ICRC has declared itself ready to assume all the functions envisaged for Protecting Powers in the Geneva Conventions, the Special Committee would wish to consult with the ICRC as to whether the ICRC intends to or agrees in principle to apply this declaration to the Israeli-held territories and, if so, how the humanitarian functions referred to by the ICRC in its declaration could best be discharged.

"The Special Committee thanks the ICRC for making available to it on a regular basis the information notes issued periodically by the ICRC. These notes have served as an additional source of information and have helped the Special Committee to maintain a fairly accurate impression of developments in the Israeli-occupied territories.

"I should like on behalf of the Special Committee to express our appreciation of the co-operation extended to us by the ICRC."

19. On 11 July 1972, the ICRC replied as follows:

"I have the honour, on behalf of the President of the International Committee of the Red Cross, to acknowledge receipt of your letter dated 12 June 1972, in which you drew our attention to the text of paragraph 6 of General Assembly resolution 2851 (XXVI).

"The ICRC information bulletins, which you receive regularly, and the report on activities for the year 1971, which has just been published show that our organization has, as in the past, been devoting its efforts to ensuring the implementation of the four Geneva Conventions by the parties to the conflict in the Middle East. It is apparent from this information that ICRC is already assuming in practice some of the tasks incumbent upon the substitute for the Protecting Power under the terms of the fourth Convention. ICRC would, of course, welcome any initiative which would result in the more effective implementation of the Geneva Conventions.

"It is correct, as you point out in your letter, that ICRC has declared itself ready, in the event of conflict, to assume the functions devolving upon the Protecting Power under the Geneva Conventions. This position was stated at the first session, in 1971, of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. It was reiterated in a statement made by the President of ICRC himself at the second session of that Conference, held in Geneva from 3 May to 2 June 1972. You will find enclosed the text of that statement.

"With regard to the situation in the Middle East, ICRC has offered its services to the Governments concerned on a number of occasions and in various forms since 1967, and is still engaged in consultations with them on the subject. Naturally, it would not be advisable to give further details about those consultations here.

"If you, Sir, alone or together with the members of your Committee, wished to have a private conversation on these questions with ICRC representatives, we would be pleased to invite you to the Headquarters of our organization during one of your forthcoming visits to Geneva."

20. On behalf of the Special Committee a further communication was addressed to the ICRC on 24 August as follows:

"I have the honour, on behalf of the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, to acknowledge receipt of your letter of 11 July 1972 concerning the implementation of General Assembly resolution 2851 (XXVI).

/...

"The Special Committee has considered your letter at its current series of meetings and wishes to express its appreciation for the information contained therein. In particular, the Special Committee welcomes your acceptance of the Committee's invitation to the International Committee of the Red Cross to conduct consultations with it on the current state of the implementation of the Geneva Conventions in the Israeli-occupied territories, formulated in its letter of 12 June 1972. The Special Committee wishes to thank the ICRC for its kind invitation to conduct private consultations with representatives of the ICRC at its Headquarters. The Special Committee has asked me to communicate to you its suggestion that, in accordance with the practice of all special committees of the General Assembly, these private consultations be held at the United Nations Office in Geneva at your convenience prior to 30 August 1972, when the Special Committee is scheduled to conclude its current series of meetings."

21. To this communication the ICRC sent the following reply on 30 August 1972:

"I have the honour to acknowledge your letter of 24 August 1972 which you have addressed to us on behalf of the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

"We are grateful to know that the Special Committee has considered our letter of 11 July 1972, and we have noted the Special Committee's suggestion that private consultations be held at the United Nations Office in Geneva rather than at ICRC Headquarters as originally proposed in our letter.

"The matter has received careful consideration and I have been asked to communicate to you that the ICRC, while appreciating the wish of the Special Committee not to depart from normal practice, would still prefer that such consultations be held at its Headquarters. If it were agreeable to the Special Committee these talks might of course be held in a mutually agreed place which would neither be on United Nations nor ICRC grounds.

"We take this occasion to inform you that so far as the substance of issues considered by the Special Committee is concerned, the contents of our letter of 11 July and its attachments remain valid. There is no new element at this stage which would modify the situation as described in our earlier communication."

The Special Committee considered this exchange of correspondence at its meetings held in Geneva from 21 August to 1 September 1972 and found the ICRC's suggestion regarding the venue for this private conversation unacceptable as it was inconsistent with the Special Committee's established practice and procedure. Moreover, as the ICRC itself felt that there was "no new element at that stage which would modify the situation as described in their earlier communication," the Special Committee was of opinion that, irrespective of its procedural objection, an informal meeting, wherever convened, would serve very little purpose.

22. With regard to the Secretary-General's reply to the Special Committee's request for information available as a consequence of paragraph 7 of General Assembly resolution 2851 (XXVI), in which he indicated that, as of 20 June 1972 he had received no reply from the Government of Israel to his communication, the Special Committee noted with regret that the Government of Israel persisted in its refusal to co-operate with the Special Committee or to comply with the General Assembly's request to "facilitate entry into the occupied territories in order to enable the Special Committee to perform the functions entrusted to it by the General Assembly".

23. In connexion with paragraph 9 of resolution 2581 (XXVI), the Special Committee decided on 23 August 1972 to request the Secretary-General to send a note verbale to the States parties to the fourth Geneva Convention seeking information on the action taken by them in accordance with the request addressed to them by the General Assembly, "to do their utmost to ensure that Israel fulfils its obligations under that Convention".

II. MANDATE

24. The Special Committee had given its interpretation of its mandate in its first report to the Secretary-General (A/8089, chapter II). In its second report and the supplementary report the Special Committee reiterated this interpretation and continued to exercise its functions according to that interpretation (A/8389, chapter II; A/8389/Add.1, paragraph 8). Once again, the Special Committee adheres to this interpretation of its mandate whereby the Special Committee considers that the General Assembly requested it to investigate practices and policies of the Government of Israel affecting human rights - namely, those which the Security Council referred to as "essential and inalienable" in its resolution 237 (1967) and those embodied in certain instruments of international law, such as the third and fourth Geneva Conventions - of the population of those territories that Israel occupied as a result of the hostilities of June 1967.

25. As it has constantly indicated in its reports to the Secretary-General, the Special Committee considers its mandate to be strictly a humanitarian one and has consistently maintained this approach to its task. As the Special Committee indicated to the Secretary-General in the letter of transmittal of its second report (A/8389 and Corr.1 and 2), it did not allow itself to be deterred from discharging what it considered to be an essentially humanitarian duty and had consciously sought to separate the humanitarian aspects of the problem, which are its primary concern, from the political issues involved. The proper execution of its mandate by the Special Committee called for accurate fact-finding and an examination of those facts in the context of the applicable international humanitarian law. The Government of Israel has denied this Committee the opportunity of examining for itself the situation of the civilian population in the occupied territories. The Special Committee, therefore, has had to rely on extensive evidence from eyewitnesses and others, as well as on documentary evidence, in order to keep abreast of developments in the territories. By this means, the Special Committee has been able to acquire a reasonably accurate picture of the situation in the occupied territories.

III. ANALYSIS OF EVIDENCE

A. Allegations of annexation and settlement

26. In its latest report, the Special Committee reiterated its conviction that it was the policy of the Government of Israel to annex and settle the occupied territories (A/8389/Add.1, para. 11). In its report the Special Committee had cited a number of facts that tended to support this conclusion (A/8389, para. 47), including express pronouncements by Israeli Ministers and leaders in which that policy, in the view of the Special Committee, was made manifest. That conviction was further strengthened by the evidence cited by the Special Committee in its supplementary report of 10 December 1971 (A/8389/Add.1, chapter I), which included a statement by the Prime Minister of Israel, who was quoted in the Israeli press on 10 October 1971, as having stated:

"Our borders are fixed by the people who live along them. If we retreat, the borders will retreat with us. The danger is then that somebody else will fix the boundaries for us."

This statement is an unequivocal rejection of established and generally recognized principles of international law governing the relations of States, including the principles of the Charter of the United Nations. It is also a definite repudiation of the fundamental obligations arising out of the fourth Geneva Convention.

27. In its supplementary report, the Special Committee cited further reports that had become available to it concerning the establishment of settlements by Israel in the occupied territories (A/8389/Add.1, para. 12) which supplemented information available in its second report (A/8389, para. 48 (e)).

28. Subsequent to its submission of the supplementary report, further evidence has come to the notice of the Special Committee concerning allegations of annexation and settlement. The Special Committee cites the following by way of example:

(a) Reports appearing regularly in the Israeli press indicating the continued existence of a "Ministerial Committee for Settlement of the Territories". The Special Committee had stated in its second report that the very existence of such a Committee headed by an official of Ministerial rank - Mr. Israel Galili, Minister without Portfolio - showed, beyond doubt, that it is the policy of the Government of Israel to settle the territories occupied as a result of the hostilities of June 1967 (A/8389, para. 48 (a)).

(b) The report appearing in the Jerusalem Post on 17 May 1972 quoting Defence Minister Moshe Dayan as having stated in the Knesset on 16 May 1972 that 39 settlements had been established in the occupied territories since the June 1967 hostilities. Of these 39 settlements, 20 were permanent civilian settlements and the other 19 were army outposts, 6 of which had subsequently been declared civilian settlements.

(c) The statement by Minister without Portfolio Israel Galili (Chairman of the Ministerial Committee for the Settlement of the Occupied Territories) made in the Knesset on 19 July 1972, as reported in the Jersalem Post on 20 July 1972, that the Government of Israel had put no area out of bounds to Jewish settlement. The report quotes the Minister as stating that the Government had taken a decision to establish settlements in the Jordan valley, including the Akraba area (see para. 30 (b) below). The report adds that the Minister stated that the only limitations on Jewish settlement in the occupied territories were moral ones since Israel through its history had always paid paramount attention to the sensibilities and needs of the local inhabitants. The same report quoted Mr. Galili as stating that, since the June 1967 hostilities, 15 settlements had been established in the Golan Heights, another 15 in the West Bank and 14 more in Gaza and Sinai, together with another settlement established on 3 July 1972 in the Jordan valley. The report quoted Minister Galili as stating that settlement policy "is not dictated by security, but by historical right as well - if not more so". The same report gives a list of Jewish settlements that have been established since the June 1967 hostilities as follows:

Golan Heights: Ramat Shalom, Snir, Elrom, Merom Golan, Ein Zivan, Nahal Geshur, Ramat Magshimim, Nahal Al, Nahal Golan, Mevo Hamma, Neot Golan, Giv'at Yoav, Merkaz Bnei Yheuda, Ginat, Ramot.

West Bank: Mehola, Argaman, Hamra, Nahal Massua, Ma'ale Efraim, Nahal Gilgal, Nahal Na'aran, Nahal Kaliya, Mtizpe Shalem, Kfar Etzion, Rosh Tzurim, Merkaz Alon Shvut, Mevo Horon, Kiryat Arba, Bik'on.

Gaza Strip and Sinai: Nahal Netzarim, Nahal Kfar Darom, Sadot, Dikla, Nahal Sinai, Nahal Yam, Neot Hakikar, Ein Hatzeva, Nahal Tzofar, Nahal Ketura, Neviot, Di-Zahav, Ophira (Sharm el-Sheikh) and Nahal Morag.

The report is accompanied by a map showing the settlements established in the occupied territories since the hostilities of June 1967. This map is produced in annex I to this report. As a matter of interest it may be noted that in an official communication to the Secretary-General from the Government of Syria dated 20 September 1969, published as documents S/9459 and A/7689, the Government of Syria had accused the Government of Israel of establishing the following settlements in the occupied territories:

<u>Name of settlement</u>	<u>Former name</u>	<u>Date of establishment</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
Ezz Ed-Dine	Mazra'et Ezz Ed-Dine	7 July 1968
Fiq	Fiq	8 August 1968

/...

<u>Name of settlement</u>	<u>Former name</u>	<u>Date of establishment</u>
Yoab	Kafar Hareb	November 1968
Gibin	Jibin	28 December 1968
Ein Zivan	Ein Ziwan	29 December 1968
Shalom	Jabata Az-Zeit	5 May 1969

(d) The statement made by Israeli Foreign Minister Abba Eban, reported in Maariv on 5 June 1972, according to which, in the event of negotiations aimed towards a settlement, Israel would be prepared to negotiate on 98 per cent of the occupied territories - except East Jerusalem, the Golan Heights, Sharm el-Sheikh, and the Gaza Strip. The statement was made in the course of an interview given by the Minister to a reporter of the United Press International News Agency.

(e) Two reports appearing in the Jerusalem Post on 25 May and 5 June 1972 respectively, according to which Defence Minister Moshe Dayan suggested that planning should take place on a long-term (10-15 year) basis. According to the report appearing on 5 June 1972, the Defence Minister was addressing the Municipal Council of Hebron and his suggestion was directed to it. The report states that the Defence Minister's remark on long-term development projects "drew startled looks from the City Fathers, who appeared to have taken the statement as a hint that the status of the territory is unlikely to change in that period". The report continued, "'I am serious', Mr. Dayan stressed, while advising the audience to free themselves of illusions". In the report appearing on 25 May 1972, the Defence Minister was addressing the Graduation Ceremony of the Feinberg Graduate School of the Weizmann Institute and his statement was made in the context of his comments on the likelihood of a peace settlement being reached in the foreseeable future.

29. In its previous reports the Special Committee referred to particular areas where, according to the evidence, settlements were being established. The Special Committee has received considerable evidence concerning settlements in other parts of the occupied territories. This evidence shows that new settlements are being established and existing ones are being made permanent. The reports mentioned in the following paragraphs are cited by way of illustration.

30. The following reports concern settlements in the West Bank:

(a) The report appearing in the Jerusalem Post on 25 May 1972 announcing a settlement for the Latrun area east of the village of Beit Nuba. In this connexion the Special Committee recalls that in its first report, it had received evidence showing that the three villages of Yalu, Beit Nuba and Emwas had been completely razed to the ground and their inhabitants dispersed, that that destruction was not due to military requirements but that, in the terms of the commentary on the fourth Geneva Convention (article 53), Israel had had "unscrupulous recourse to military necessity in carrying out this wanton destruction" (A/8089, paras. 126 and 131). The Special Committee finds that

this is in clear contravention of article 53 of the fourth Geneva Convention as interpreted in the commentary on that Convention. The Special Committee notes that these villages have not been rebuilt and that, according to the report appearing in the Jerusalem Post on 25 May 1972 the Government of Israel is planning settlements in that very area. In this connexion, the Special Committee recalls that in its second report, it had noted evidence according to which a settlement which had been founded by the Jewish Agencies Settlement Department near Latrun was becoming permanent (A/8389, para. 48 (d) (iii)). The Special Committee noted also a report appearing in the Jerusalem Post on 8 February 1972 of a statement made in the Knesset by Agriculture Minister Haim Gvati according to which the Israeli Land Authority had, since the June 1967 hostilities, spent over IL 900,000 (approximately \$214,000) in the purchase of land around Jerusalem and in the Latrun salient "for public use".

(b) Reports appearing in the Jerusalem Post on 7, 10, 18 and 19 July 1972 and in Ma'ariv on 14 July 1972. According to these reports the villagers of Akraba (near the Jordan River) had been prohibited from using a certain area of land (reports differ as to the exact area, some giving 500 and other 5,000 dunams /1 dunam = 1/4 acre = 1,000 sq. metres, approximately/) when this area was declared a security zone following border clashes with guerrillas in 1968. According to the report in the Jerusalem Post of 7 July 1972, the villagers had returned to cultivating the land in late 1971 and a controversy arose when their crops were sprayed by a plane with a chemical that destroyed them in June-July 1972. The same report states that this was reportedly done on orders issued by military officers who had failed to consult their superiors before taking the measure. The Jerusalem Post of 18 July 1972 reported a statement by Defence Minister Moshe Dayan in the Knesset to the effect that the military authorities were to review the status of closed areas in the West Bank, including the lands of the village of Akraba. In the same statement Minister Dayan is quoted as stating that no land had been taken away from Akraba. The Jerusalem Post of 19 July 1972 reported Agriculture Minister Haim Gvati as having stated in the Knesset that "no decision has been taken so far on a plan to establish a settlement on lands of Akraba village". The report quotes the Minister as stating that an official from the Israel Land Administration had met with the villagers from Akraba with the purpose of trying to exchange their lands for lands of absentees in the neighbourhood. The report adds that the Minister denied the implied allegation that this official had told the villagers that their crops had been destroyed by spraying so as to pressure them into selling their land. These incidents are confirmed in the report appearing in Ma'ariv on 14 July 1972.

31. The Special Committee notes that the following facts emerge clearly from these reports:

(a) That the crops of the villagers of Akraba were destroyed some time in June-July 1972 by chemical spraying, on the pretext that those crops were planted on land which was a security area, the security status of which was stated to be subject to review within a few weeks after spraying;

(b) That officials of the Israel Land Administration were making attempts to secure ownership of the land belonging to the villagers of Akraha by offering them in exchange land belonging to absentee owners.

32. Continuing its examination of evidence relating to settlements in the West Bank, the Special Committee in its supplementary report (A/8389/Add.1, paras. 12 (e)-15) made reference to an announcement by the Housing Ministry of the Government of Israel of a master plan for Hebron to provide accommodation for 900 Jewish families. That statement was reported in the Jerusalem Post on 28 September 1971. The Special Committee had also referred to an exchange of correspondence which had taken place in 1968 when the first Israelis had moved into Hebron. At that stage, in reply to the complaint of the Government of Jordan, the Government of Israel had stated that the complaint:

"magnified and distorted 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."

33. In addition to the evidence cited in its previous reports by the Special Committee, further evidence has since become available on developments concerning this settlement established in Hebron, known as Kiryat Arba. This evidence refutes the Government of Israel's attempt to dismiss the Jordanian complaint as "magnified and distorted" and to seek to explain a serious violation of human rights as a spontaneous act of piety on the part of a group of Jewish families. The following reports are cited by way of illustration:

(a) The report appearing in the Jerusalem Post on 10 February 1972 quoting a statement in the Knesset by Housing Minister Zev Sharef according to which planning had already been completed for another 1,000 apartments in Kiryat Arba in Hebron. The report gives an estimate of IL 18 million (approximately \$4.3 million) as the cost of the project.

(b) The report appearing in the Jerusalem Post of 29 May announcing that the Israeli Cabinet had decided "in principle" to build another 200 apartments in Hebron, that 250 apartments had already been completed and that there existed on paper plans for a total of 1,000 apartments.

(c) The report appearing in Haaretz of 5 June 1972 according to which the Mayor of Hebron Sheikh Ja'abari had asked Defence Minister Moshe Dayan to stop further building in Hebron of apartments meant exclusively for Israeli Jews.

(d) The report appearing in the Jerusalem Post on 5 June 1972 which states:

"In reply to Sheikh Ja'abari's expressions of concern over plans to enlarge the nearby Jewish settlement in Kiryat Arba, Mr. Dayan promised

that the Israelis would in no way confront or compete with their Arab neighbours. He stressed that an Israeli settlement in the area would not be held at the expense of the local Arabs, adding that no acre of land would be acquired without proper compensation. 'Let anyone who believes he has been deprived of such compensation step forward and his claim will be settled'."

(e) The report appearing in the Jerusalem Post on 16 June 1972 according to which Absorption Minister Natan Peled was examining the possibility of directing new immigrants from the Soviet Union and from Western countries to the settlement at Hebron.

(f) The report appearing in Haaretz on 12 July 1972 and the Jerusalem Post on 13 June 1972 announcing the establishment of a Jewish hotel in Hebron.

(g) The report appearing in the Jerusalem Post on 17 July 1972 announcing the completion of construction of the 200 new apartments in Hebron, referred to in subparagraph (b).

34. In addition to the evidence referred to in the foregoing paragraphs, the Special Committee has received further allegations of annexation and settlement of other areas of the West Bank. The Secretary-General has brought to the notice of the Special Committee a letter dated 10 August 1972 from the Permanent Representative of Jordan contained in document A/8355-S/10760, according to which the Government of Israel continues to take measures in pursuance of its declared policy of annexing occupied Jerusalem.

35. The following reports concern settlements in the Golan Heights:

(a) The report appearing in the Jerusalem Post on 8 May 1972 according to which one of the paramilitary settlements, Nahal Golan, had become a civilian settlement.

(b) The report appearing on 10 July 1972 in the Jerusalem Post announcing the opening of an industrial settlement in the Golan Heights in August 1972 and the planning of another one.

(c) The report appearing in the Jerusalem Post on 27 January 1972 that residents of the Golan Heights were being required to pay taxes to the Israeli Government. The report states that, apart from the residents of occupied Jerusalem, this is the first time that residents in the rest of the occupied territories are being taxed under Israeli law and this, according to the report, is "because East Jerusalem has been legally incorporated into the State of Israel". The Special Committee does not recognize the incorporation of East Jerusalem with the State of Israel as having any validity under international law. The report adds that in other occupied territories the residents are required to pay their taxes according to Jordanian law on the West Bank and Egyptian military law in the Gaza Strip and Sinai, which the Special Committee considers to be in strict accordance with the fourth Geneva Convention.

(d) The report in the Jerusalem Post of 15 March 1972 of the dedication of a new settlement in the Golan Heights, where, according to the report, Housing Minister, Zev Sharef, speaking at the dedication ceremony, "assured the settlers that the Golan would remain in Israel's hands".

36. The Special Committee has also taken note of the letters dated 5 January and 20 June 1972 addressed to the Secretary-General by the Permanent Representative of Syria to the United Nations contained in documents A/8651-S/1095 and A/8699-S/10704 respectively, furnishing evidence of the avowed policy of the Government of Israel to annex the Golan Heights. The Special Committee has noted in particular that in the letter of 20 June 1972 referred to above the Permanent Representative of Syria cites as evidence certain publications and includes excerpts from the Reports for the Period January 1968-September 1971 submitted to the Twenty-eighth Zionist Congress in Jerusalem, January 1972, issued by the Executive of the World Zionist Organization in December 1971. These excerpts give details of Israeli settlement policy in general, including the Golan Heights.

37. The following reports concern settlements in the Gaza Strip and Sinai:

(a) The report appearing in the Jerusalem Post on 15 December 1971 that work had begun on preparations for a new settlement in an area south of Gaza. The report states that this settlement was to be the second Israeli settlement in the Gaza Strip.

(b) The report appearing in the Jerusalem Post on 28 December 1971 of a statement by the Chairman of the Jewish National Fund, Mr. Y. Tsur, according to whom eight to 10 settlements were planned for the area between Gaza and El Arish, to provide a protective line between the Gaza Strip and Sinai.

(c) The report of the Jerusalem Post on 19 January 1972 on a visit by Defence Minister Moshe Dayan to the three Nahal settlements in Sinai. The report adds that at two of these settlements, namely Nahal Sinai and Dikla, the topics discussed included the possibility of converting the settlements to civilian settlements.

(d) The report appearing in the Jerusalem Post on 16 June 1972 announcing the Government of Israel's decision that the paramilitary settlement at Nahal Sinai referred to in the preceding sub-paragraph was to become a civilian settlement.

(e) The report appearing in the Jerusalem Post on 10 July 1972 of a statement by the Prime Minister of Israel according to which 300 families had been registered for settlement in Sharm el-Sheikh and that 100 houses were under construction.

38. The Special Committee, basing itself on the evidence that has been referred to in the preceding paragraphs, has no hesitation in stating that its findings as formulated in its previous reports to the effect that it is the policy of the Government of Israel to settle the territories occupied as a result of the hostilities of June 1967, have been confirmed beyond any reasonable doubt.

The Special Committee agrees that the existence of such a policy of annexation - in direct violation of article 47 of the fourth Geneva Convention - has been established:

(a) By the statements of Israeli Ministers and leaders such as those referred to in paragraph 27 above; and

(b) By the fact that these statements are corroborated by undisputed evidence, showing that the policy enumerated in these statements is being implemented.

B. Allegations of transfer of population and expropriation of property

39. In its three reports to date, the Special Committee has analyzed evidence relating to allegations of transfer of population and expropriation of property (A/8089, paras. 61 et seq., 75 et seq., and 123 et seq.; A/8389, para. 48 (g) and (h); A/8389/Add.1, paras. 17 et seq.).

40. In its supplementary report, the Special Committee referred to the mass transfer of population that took place in Gaza in August 1971 (A/8389/Add.1, paras. 17-20). The following information, contained in the annual report of the ICRC for 1971, 2/ which has since become available, is pertinent:

"On 21 July, the ICRC delegation in Gaza was informed by refugees that the Israeli army the day before had started to transfer refugee families to El Arish or to unoccupied camps on the West Bank of the Jordan. At the same time, in the Jabalia, Shatti and Rafah camps, work had started on the destruction of some of the shelters and on the laying of new avenues in order to reduce the camp population and facilitate supervision.

"The occupation authorities, whom the ICRC delegates immediately contacted, ascribed the measures adopted to overriding security needs. They explained, however, that arrangements had been made to rehouse and compensate the persons displaced.

"By the end of August, more than 14,700 persons had been affected by those measures. Most refugees were dissatisfied with their new housing and before long returned to Gaza. Relatives or friends provided shelter, usually in the camps. By the end of the year, some 200 families were staying on at El Arish and around 50 on the West Bank.

"The ICRC made various approaches of a general nature to the Israeli authorities. It expressed concern about the forced transfers and urged that rehousing and compensation should be accelerated and intensified.

2/ ICRC Annual Report 1971, (Geneva, 1972), pp. 50-51.

"In addition, ICRC delegates contacted a number of families whose houses had been destroyed; on two occasions they went to El Arish to see in what conditions the displaced persons were living. They also conveyed to the authorities the complaints they had received about the matter of compensation.

"The Israeli Government subsequently informed the ICRC that the operations, which had considerably reduced the number of outrages, were to cease for the time being. It assured the ICRC that, should any further transfers be contemplated, new housing would first be provided near the areas to be evacuated, to ensure that the persons displaced would be promptly rehoused."

41. The same report (pages 50 and 51) contains the following information concerning expropriations and transfers of population:

"Expropriations

"The ICRC continued to follow with close attention the question of expropriations in the occupied territories. However, as the Israeli Government declared at the end of 1970 that it did not want to enter into any discussion on the subject, ICRC delegates confined themselves to submitting strictly humanitarian problems to the authorities as and when they arose.

"Uprooting of people

"In December, the ICRC delegation intervened on behalf of a Bedouin tribe of about 260 persons whom the Israeli authorities had compelled to leave their lands near the Dead Sea and to settle in the Bethlehem district. As a result of the transfer, those people were deprived of their lands and their livelihood. The place where they found themselves did not belong to them, and their flocks could not graze there.

"The ICRC delegates approached the Israeli authorities with a view to the Bedouins' return to their former site. They supplied the Ministry of Social Welfare with 20 tents, 100 blankets, 200 kg. of sugar, 200 kg. of rice and 50 kg. of wheat for the displaced Bedouins."

The Special Committee would note that the ICRC report contains no indication as to the effect of their representations on the fate of these Bedouins.

42. Since the time it adopted its last report, the Special Committee has received further evidence concerning such allegations. The following reports are cited by way of illustration:

(a) The report in the Jerusalem Post on 24 January 1972 giving details of the plans to resettle the refugees in the Gaza Strip. It states that four sites (in Rafah, Khan Yunis and in Gaza) had been designated for "refugees with some

savings (such as civil servants, police and teachers)" who would be able to build homes with financial assistance from the military government. The report adds that this scheme was a continuation of the "rehousing scheme" undertaken in August and September 1971 when the construction of so-called security roads in the refugee camps necessitated the demolition of several thousand dwellings and the displacement of several thousand refugees. The report goes on to state that the long-range goal of the programme was the rehabilitation of the refugee camps so that they would eventually become autonomous municipal units.

(b) Press reports appearing during March 1972 indicating that an area in Rafah (Southern part of the Gaza Strip) had been fenced off by the Military authorities. This incident gave rise to some controversy which led to a debate in the Knesset. On 28 March 1972 the Jerusalem Post reported Minister Israel Galili as having stated in a speech in the Knesset that "the Gaza Strip would not again be separated from Israel". The Minister was further quoted as stating that "there are political reasons for accelerating settlement in the Gaza Strip, ... and he revealed that 'some time' this year an army outpost, Nahal Sinai, would become a civilian settlement" (see paragraph 37 (d) above). Press reports indicate that the incident surrounding the fencing off of the land in the Rafah area was the subject of an investigation by the Chief of Staff of Israel, whose forces were responsible for carrying out the fencing off. These same reports state that the results of this investigation were not disclosed to the Government, but that three senior army officers had been reprimanded and one of them transferred from his post. Another report on 28 March 1972 in the Jerusalem Post adds that the fencing off of land had involved "the unauthorized transfer of some 6,000 Bedouin from the Pithat Rafah area, the destruction of some 24 buildings, water holes and the fencing in of 20,000 dunams of land (5,000 acres = 20,000 sq. km., approximately) Other reports indicate that compensation was being offered to the evicted persons and that it was planned to rehabilitate them in alternative accommodation. On 19 July 1972, for example, the Jerusalem Post reported that 200 housing units were due for completion to accommodate the evicted persons. However, according to a report appearing in Maariv on 25 June 1972, Israeli youths were advising Bedouins to refuse compensation and were assisting them in seeking redress in the courts.

43. The Special Committee has taken note of the information contained in letters addressed by the Government of Egypt to the Secretary-General alleging inter alia the forcible transfer during January 1972 of more than 10,000 Egyptian citizens from their homes in Sinai to other areas within a triangle near the Gaza Strip, isolating the area of Rafah for several weeks from the rest of the area and expropriating land situated in the Rafah area, encircling it with barbed wire and denying the population any access to it. One of these letters (A/8667-S/10565) alleges that these acts were committed with a view to establishing Israeli agricultural settlements in the expropriated area. The Government of Israel replied to the allegations in a letter to the Secretary-General (A/8671-S/10570) in which the following is stated:

"The aforesaid letter from the Egyptian Chargé d'Affaires ad interim contains a series of distortions and unfounded allegations. Their baseless nature is illustrated, for instance, by the charge that lands have been

expropriated in the Rafah area, encircled with barbed wire and barred to the local population. In fact, the lands in question are public domain which, prior to 1967, had served the Egyptian Army as training grounds and firing ranges. During that period, access to them had been denied to local inhabitants and to the bedouin. In certain areas, a number of bedouin have entered the grounds as squatters. Terror organizations have exploited their presence to establish arms caches and to utilize the grounds for crimes of violence and a transit point for arms smuggling from Egypt to Gaza. Consequently, the grounds were closed again, although for humanitarian reasons the bedouin are permitted to enter them and to continue work on parcels of land which they had brought under cultivation. Moreover, compensation has been paid to those bedouin who have made investments in the land in question, for example, by putting up huts, despite the fact that they have done this as squatters on grounds closed to all throughout years."

In the same letter the Government of Israel states that the other allegation in the letter of the Government of Egypt, namely, of the demolition of a number of houses, is without foundation because this was done in accordance with local law and the inhabitants affected were provided with full compensation and alternative housing. The letter adds that these incidents do not constitute violations of the fourth Geneva Convention since this Convention contains provisions which allow for security measures of the kind Israel was taking in order to maintain law and order.

44. This exchange of letters gave rise to further communications addressed to the Secretary-General by Egypt and Israel. The Egyptian letters are contained in documents A/8674-S/10582, A/8677-S/10590, A/8685-S/10663, A/8692-S/10694 and A/8735-S/10717. The replies of the Government of Israel to these letters are contained in documents A/8671-S/10570, A/8675-S/10587, A/8687-S/10667, and A/8695-S/10700. In this exchange of letters, the Government of Egypt reiterated its allegations of forcible transfer of more than 10,000 Egyptian citizens, the destruction of 44 houses in Sinai and the expropriation of lands situated in the Rafah area. The Government of Israel, in its replies, reiterated its contention that these charges were unfounded distortions of incidents that had taken place.

45. The Special Committee, having examined the evidence referred to in the preceding paragraphs concerning allegations of transfer of population and expropriation of property, finds that there is indeed in existence a policy designed to effect the transfer of the civilian population of the occupied territories as well as to expropriate their property. This finding is supported by such evidence as that furnished by the ICRC in its annual report, cited in paragraphs 40, 41, 47 and 52 (d), and by the admission of the Government of Israel that such policies were in fact being followed. Having regard to the nature and scope of these policies and the manner of their implementation the Special Committee considers the Israeli justification to be completely specious and the policies themselves to be in excess of what is permissible under the fourth Geneva Convention. The evidence before the Special Committee compels it to confirm its conclusion, reached in its previous reports, that this policy is part of an over-all policy deliberately designed to annex the occupied territories.

C. Allegations of demolition of houses

46. In its previous reports, the Special Committee had analysed evidence of demolition of houses by the Israeli authorities in the occupied territories. In its second report, the Special Committee showed that it was the Government of Israel's policy to destroy the houses of persons suspected of helping members of the resistance, and that this policy was in violation of articles 33 and 53 of the fourth Geneva Convention (A/8389, paragraph 75).

47. The ICRC has, in its annual report for 1971, confirmed the Special Committee's finding when it states:

"Destruction of houses

"In view of the continued destruction of houses in the occupied territories, the President of the ICRC made a renewed appeal to the Israeli Prime Minister at the end of April that her Government should abandon a method to counter subversive activities which the ICRC regarded as being contrary to the provisions of articles 33 and 53 of the fourth Geneva Convention. In her reply in August, the Prime Minister stated that the Government of Israel could not renounce measures which it deemed essential for the maintenance of security in the occupied territories.

"ICRC delegates in the field therefore concentrated on rendering material aid to those whose homes had been destroyed. They provided the Israeli Ministry of Social Welfare with 199 tents and 1,675 blankets for the homeless." 3/

48. The evidence of an organization whose integrity and impartiality are beyond question shows that houses are being destroyed at will in the occupied territories on the ground that their existence and the presence of their former Arab occupants are a threat to the security of Israel. The international community appears as an indifferent spectator of this systematic destruction of houses by a State whose military superiority and whose capacity to resort to punitive military measures against each one of its neighbors have time and again been clearly demonstrated. The ultimate outcome of such a policy could be the total extirpation of Palestinian property and presence in these areas, and it is inconceivable that the limited rights conceded to the Occupying Power under the fourth Geneva Convention can be exercised in this arbitrary manner without a whimper of protest from the international community.

49. The Special Committee has received further evidence of a policy of destruction of houses. The Government of Egypt, in a letter addressed to the Secretary-General circulated as document A/8667-S/10565, alleged that 44 houses were destroyed in Sinai during the month of February 1972. This allegation was subsequently admitted

3/ Ibid., pp. 49-50.

by the Government of Israel in a letter addressed to the Secretary-General and circulated as document A/8671-S/10570 and which stated inter alia:

"Thus the Egyptian Chargé d'Affaires a.i. refers to another security measure which the Israeli authorities have been constrained to undertake - the demolition of a number of houses. This was done in accordance with local law and the inhabitants affected have been provided with full accommodation and alternate housing."

These letters are also referred to above, in paragraphs 40 and 41, under the subheading Allegations of Transfer of Population and Expropriation of Property.

50. The Special Committee, having considered the evidence before it, in particular the statement by the Prime Minister of Israel cited in paragraph 47 above to the effect that the Government of Israel could not renounce measures which it deemed essential for the maintenance of security in the occupied territories, finds that demolition of houses remains a policy of the Government of Israel, that the reason adduced by the Prime Minister of Israel is untenable and that measures adopted in pursuance of this policy are, therefore, contrary to articles 33 and 53 of the fourth Geneva Convention.

D. Allegations of deportation

51. In its previous reports, the Special Committee analyzed evidence on allegations of deportation (A/8089, paras. 75-77; A/8389 paras. 49-51). In its second report the Special Committee expressed the opinion that the practice of deportation of persons from occupied territories, as carried out by Israel, was not only contrary to article 49 of the fourth Geneva Convention but was also part of a total policy of depriving the people of the occupied territories of their right to remain in their homeland (A/8389, para. 73).

52. The evidence that the Special Committee has received since the adoption of its last report on 10 December 1971, shows that this policy continues to be pursued. The following is cited by way of illustration:

(a) The statement made by the Israeli delegate in the Special Political Committee to the following effect: 4/

"The expulsion of certain individuals by the military authorities is an entirely different story. In view of the terror warfare waged against Israel from across the cease-fire lines, Israel has been constrained to order a number of agents of terror organizations to leave the areas under its administration. The total number of persons ordered out in the past 4 1/2 years has not exceeded several hundred. They did not constitute even one-tenth of 1 per cent of the Arab population.

4/ The statements quoted here and in the subsequent paragraphs attributed to the delegate of Israel in the Special Political Committee are taken from the verbatim text of the statement made at the 799th meeting of the Special Political Committee on 14 December 1971 which was released by the Permanent Mission of Israel to the United Nations on 14 December 1971 and not from the summary records of the proceedings of that meeting. /...

"... I say that deportation is more humane, because in most cases it has been the alternative to long detention. Furthermore deportation of a person to Jordan is neither a deportation to a country of an occupying power, nor to the territory of another country, but means that an enemy agent is sent to those for whom he acted in contravention of the law.

"Immediately upon the arrival on the East Bank, some of these deportees have publicly boasted of their subversive activities in the West Bank, and the Government of Jordan, in recognition of their services, has promoted some of these deportees to its highest offices, including members of the Cabinet. This could not be compared to the concept of deportation which was in the minds of those who wrote the international law on this matter."

(b) The report appearing in Haaretz on 18 January 1972 of a telegram sent by the Mayor of Hebron, Sheik Mohammed Ali Ja'abari to the Military Commander of the West Bank asking him to stop the deportation to Jordan of the inhabitants of Hebron and of the West Bank. The report adds that Mayor Ja'abari stated that in spite of the petitions that he had sent in the past to the Military Commander and to the Defence Minister of Israel asking them to put an end to deportation, deportations were still continuing.

(c) The information contained in ICRC news releases to the effect that ICRC delegates in Jordan visited persons who had been evicted from the occupied territories, such as the information contained in the ICRC In Action - Information Notes, of 22 March 1972, No. 177 b, of a visit by the ICRC delegate on 12 February 1972 to a group of 18 persons who were being held in the Mahatta prison in Amman after being deported from the occupied territories and that contained in the ICRC in Action - Information Notes of 19 April 1972, No. 178 b, of a visit by the ICRC delegate in Jordan on 29 February 1972 at the same prison to 14 persons who had been evicted from the occupied territories.

(d) The following information contained in the annual report of the ICRC for 1971:

"The ICRC approached the Israeli authorities several times with a view to stopping expulsions which it regarded as being contrary to article 49 of the Fourth Convention. In a communication addressed to the Prime Minister of Israel at the end of February, the President of the ICRC expressed the ICRC's concern regarding the dire consequences for the persons stricken by such measures, against which appeal was not possible and which provided for no time limit. The Prime Minister replied that the expulsion orders had been dictated by security considerations and that they were to be preferred to detention over an indefinite period. As the explanations failed to allay ICRC apprehensions, Mr. Umbricht, a member of the ICRC who went to Israel towards the end of 1971, confirmed that the ICRC wanted the expulsion of Arabs from the occupied territories to cease. The Israeli authorities agreed to consider individual applications from persons who had been driven out and who wanted to return." 5/

(e) The letters dated 14 April and 29 June 1972 addressed to the Secretary-General by the Permanent Representative of Jordan to the United Nations alleging the deportation of 28 persons during the months of April, May and June 1972 and giving the name, age, profession and town of origin of each person, and circulated as document A/8678-S/10598. The Special Committee notes that these allegations have gone unrefuted and uncontradicted.

53. The Special Committee, having considered the evidence before it, examples of which it has cited in the preceding paragraph above reiterates the conclusion reached by it in its previous reports to the effect that there exists a practice of deportation of persons from occupied territories and confirms its conclusion that the existence of a policy of deportation has been established beyond any reasonable doubt. The Government of Israel has invoked the Defence (Emergency) Regulations, 1945, as its authority for the issue of deportation orders for the expulsion of persons from the occupied territories. The Special Committee regards this policy as being contrary to article 49 of the fourth Geneva Convention. The Special Committee has analysed the legal validity of these Regulations and has expressed its opinion that any law, even though based on security considerations, is invalid if such law violates the provisions of the Geneva Conventions (A/8089, para. 60). The Special Committee confirms this finding. As regards the Israeli contention that deportation or expulsion is more humane than long detention, the Special Committee is of the opinion that the measures provided for by the fourth Geneva Convention to safeguard security are sufficient and that both long detention and deportation are equally inhumane and constitute violations of the human rights of the population of the occupied territories.

54. The Special Committee would stress that article 49 of the fourth Geneva Convention expressly prohibits any "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, ... regardless of their motive".

55. The Special Committee is of the opinion that under any reasonable interpretation of article 49 of the fourth Geneva Convention the prohibition contained in that article is applicable to those protected persons who are being deported by Israel to any place outside the occupied territories.

56. The Special Committee's interpretation of article 49 of the fourth Geneva Convention is confirmed by the observation contained in the commentary published by the International Committee of the Red Cross on the fourth Geneva Convention, 6/ on paragraph 1 of article 49 to the effect that "the prohibition is absolute and allows of no exceptions apart from those stipulated in paragraph 2" of article 49.

6/ The Geneva Conventions of 12 August 1949, 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. 277-279.

The cases in question are clearly outside the scope of paragraph 2, which permits, "total or partial evacuation of a given area if the security of the population or imperative military reasons so demand". This interpretation flows a fortiori from the inherent right of all such persons, including those who had fled the occupied territories, to return to their homes in these territories, which is an incontestable element in the corpus of human rights.

E. Allegations of the denial of the right to return

57. In its three reports to date, the Special Committee has reached the conclusion that those persons who had fled their homes during the hostilities in 1967 were being denied their right to return to their homes. This applied to those persons who had fled their homes and remained within the occupied territories as well as to those who had fled and who had taken refuge in the areas outside the occupied territories. It is equally applicable to those who have been deported or otherwise expelled from the occupied territories. Since the adoption of its supplementary report on 10 December 1971, the Special Committee has received further information relevant to these allegations. The following reports are cited by the Special Committee by way of illustration:

(a) The report appearing in the Jerusalem Post on 13 June 1972 quoting a statement made by Defence Minister Moshe Dayan according to which "Israel will not permit the return of the hundreds of thousands of West Bank residents who left the country before and during the Six Day War". In the same statement the Defence Minister is quoted as stating that in keeping with the guidelines laid down by the Government, the reunion of as many families as possible would be permitted, and that the military authorities would allow the return of former residents where humanitarian considerations were involved, as well as of those persons who could contribute to the economic development of the West Bank. The statement of the Minister was in reply to a plea by the Mayor of El-Bireh, Mr. Abdul-Jawad Saleh, who had complained to the Defence Minister that the quota for the reunification of families split between the West Bank and Jordan was too low.

(b) The report appearing in the Jerusalem Post on 20 June 1972 according to which the Defence Minister is quoted as stating that of the 200,000 West Bank residents who had left during the Six Day War, 30,000 had been permitted to return under the family reunification scheme and that there were many more who wished to return, but this was a "difficult problem that will be solved only when broader arrangements are made".

(c) The report appearing in the Jerusalem Post on 27 June 1972 which quoted Defence Minister Dayan as stating during a visit to Qalqilya that requests for the return of those who had fled that town during the 1967 hostilities would be directed to the military authorities which would deal with them with "understanding".

58. The Special Committee notes that, according to the evidence available to it, the family reunification scheme appears to have resulted in more persons leaving the occupied territories than returning to their homes in the occupied territories. Statistics furnished to the Special Committee by the ICRC show that during 1971, 529 persons returned to Egypt while 173 returned from Egypt to the occupied territories, 50 persons returned from the Syrian Arab Republic to the occupied Golan Heights, 54 persons returned from Jordan to the West Bank, while 11 left the occupied territories for Jordan, and 7 persons from the occupied territories went to Lebanon (The ICRC in Action - Information Notes, No. 177 b - 22 March 1972). The Special Committee notes that subsequent reports furnished by the ICRC since the end of 1971 show that more people are still leaving the occupied territories than are being repatriated into the occupied territories under the family reunification scheme.

59. In its last two reports the Special Committee made reference to the so-called "Summer Visitors' Programme" which permits Palestinians living outside the occupied territories to visit relatives and friends within the occupied territories during the three-month summer period. In its second report the Special Committee stated that although the summer visitors' programme might be considered as a positive aspect of Israeli policy towards the territories it occupied, it was no substitute for the admission of the right of refugees to return to their homes. The Special Committee further observed that the summer visitors' programme did not have any bearing whatsoever on the declared policy of the Government of Israel to settle occupied territories or on the fact that several hundred persons had been deported from their homes in the occupied territories on official deportation orders purporting to be issued by the Israeli authorities under the "Defence (Emergency) Regulations, 1945" (A/8389, para. 74 and A/8389/Add.1, para. 2).

60. The Special Committee would reiterate its acknowledgement of both the family reunification programme and the summer visitors' programme as positive aspects of Israeli policy, but they cannot conceivably extinguish the right to return to their homes of the civilian population.

61. In the light of such unequivocal evidence as the statement made by Defence Minister Moshe Dayan referred to in paragraph 57 (a) above to the effect that Israel will not permit the return of the hundreds of thousands of West Bank residents who have left the occupied territories, notwithstanding the same Minister's subsequent attempts to modify his earlier statement of policy, and the other evidence that is referred to in the other preceding paragraphs, the Special Committee cannot but come to the conclusion that it is Israeli policy to deny the population of the occupied territories their right to return to their homes.

F. Allegations of ill-treatment whilst under detention

62. In its three reports to date, the Special Committee has analysed evidence of ill-treatment while under detention (A/8089, paras. 78-111, A/8389, paras. 59-67, A/8389/Add.1, paras. 23-30). The Special Committee has analysed certain cases on which, it felt, the evidence was compelling. After further examination of the evidence the Special Committee would like to record its conviction that general prison conditions, despite reported efforts at improvement, are bad, mainly owing to over-crowding.

63. The Special Committee stated in its second report (A/8389, para. 77) that in the absence of sufficient corroborative evidence, it was unable to reach a conclusive finding in regard to the numerous allegations of ill-treatment while under detention that had been made before it. Particular attention was given to the cases of Mr. Mohammed Derbas and Mr. Moayyad Othman El-Bahsh in the previous reports, mainly because the Special Committee had secured further evidence on their allegations. Since it has not been able to examine the persons cited by the alleged victims in their evidence the Special Committee is not yet in a position to reach a conclusive finding. With regard to the other cases that it had mentioned in its first and second reports (A/8389, para. 66), the Special Committee did not receive any further evidence. These cases did, however, provide strong evidence which in the Special Committee's judgement as expressed in its previous reports (A/8089, para. 108 and A/8389, para. 66) justified the conclusion that there was still a regular practice of ill-treating inmates mainly during interrogation. These are the cases of Mr. Sadaddin Kamal (A/AC.145/RT.11, A/8089, paras. 78 and 79), Mr. Youssef Salahat (A/AC.145/RT.21, A/8089, paras. 78, 96 and 100), Mr. Abu Ras (A/AC.145/RT.20, A/8089, paras. 93-95), Mr. Majeb Mohammed Issa El-Khattab (A/AC.145/RT.23, A/8089, paras. 96, 100). Mr. Suleiman M. Sheikh-Eid (A/AC.145/RT.24, A/8089, paras. 98 and 99), Mr. Munir Abdullah Ghannam (A/AC.145/RT.23, A/8089, para. 102), Mr. Abu Rumeile (A/8089, paras. 80 and 86), Mr. Ismael Abu Mayaleh and his wife, Mrs. Abla Tahla (A/AC.145/RT.22, paras. 78, 85 and 101).

64. The Special Committee has taken note of reports furnished in ICRC publications indicating that the number of civilian detainees in the 13 places of detention visited by its delegates was over 3,000 as of the twentieth series of visits by ICRC delegates, which took place between 25 January and 29 February 1972 (The ICRC in Action - Information Notes, 19 April 1972, No. 178 b). The Jerusalem Post reported on 17 July 1972 that in Gaza there were as of that date 1,400 Arabs imprisoned, out of whom 500 were awaiting trial.

65. The Special Committee notes that, of the cases that it cited in paragraph 63 above, the representative of Israel in the Special Political Committee, in the course of the Special Political Committee's consideration of the report of the Special Committee at the twenty-sixth session of the General Assembly (A/SPC/SR.799), attempted to rebut the allegations in regard to only three cases, namely Mr. Mohammed Derbas, Mr. Sadaddin Kamal and Mr. Suleiman Sheikh-Eid.

66. With regard to the case of Mr. Mohammed Derbas, the representative of Israel alleged that Mr. Derbas had lied to the Special Committee in testifying that, while under detention at the hands of the Israelis, he had been castrated by surgery. The delegate of Israel produced two certificates which purported to prove that Mr. Derbas had undergone surgery for the removal of his testicles in 1965 and 1966, that is, prior to the June 1967 hostilities. So far as the Special Committee is concerned, the case of Mr. Derbas has not yet been closed as the Special Committee still awaits a reply from the Government of Egypt to a communication addressed to it by the Special Committee.

67. In regard to the case of Mr. Suleiman M. Sheikh-Eid who had testified that he had been ill-treated while under detention and who, in the course of his testimony, had stated that whilst hospitalized, he had been treated by three Arab doctors whose names were given as Dr. Ahmed, Dr. Jihad and Dr. Rahman, the representative of Israel, by way of rebuttal of the allegation of ill-treatment while under detention, stated:

"I am authorized to state that a most thorough investigation has been carried out in the afore-mentioned hospital and that it has been established beyond any doubt that a patient of the name of that witness has never been admitted, let alone hospitalized for five months, in that hospital. Furthermore, it has been established that none of the aforesaid three doctors, whose names were given by the witness to the Committee, had ever served or worked in that hospital."

68. In regard to the case of Mr. Sadaddin Kamal, which the Special Committee had analysed in its first report (A/8089, paras. 78 and 79), the representative of Israel stated:

"The case has been investigated and it has been ascertained through Arab witness Tawfiq Gaza of Quneitra who personally knew this man, that he - regrettably - had lost his eyesight by the explosion of a shell in the course of the fighting in Ramat Golan, that he was hospitalized by the Israeli Army and later released and transferred to Syria."

69. The Special Committee notes that the representative of Israel in his statement expressed the opinion that the three cases that he had referred to (namely, the cases of Mr. Mohammed Derbas, Mr. Suleiman M. Sheikh-Eid and Mr. Sadaddin Kamal) showed to "any objective persons at the very least how very easy it was to deceive the Special Committee, how easily it lent itself to such tactics, how eagerly it is prepared to classify as compelling and reliable evidence of fabricated stories, how ill equipped, again to put it at its lowest, the Committee is to examine evidence and to draw conclusions from it".

70. Faced with this type of remark, the Special Committee is compelled to state its position on the question of allegations of ill-treatment while under detention.

71. The Special Committee has heard to date a total of 195 persons and it has examined reports and detailed documentation. In its reports it has described the evidence before it. From this evidence emerged a number of allegations, most of which were eventually proved beyond any doubt, mainly owing to frank declarations of the existence of policies and practices by Israeli Ministers and leaders and actions taken in implementation of such declarations. This is true with regard to such allegations as those concerning transfers of population, expropriation, establishment of Israeli settlements, transfer of Israeli citizens to these settlements, deportation, administrative detention and demolition of houses. These allegations have been proved.

72. Allegations of torture and ill-treatment were made before the Special Committee by the vast majority of the 195 individuals who testified before it. The Special Committee - as it has stated in all its reports to date - dealt with these allegations with due circumspection and it has sought to make reference to those cases on which, it felt, the evidence was compelling. Whenever further evidence was available, the Special Committee has sought it out and evaluated it - as in the case of Mr. Mohammed El-Bahsh (A/8389, para. 64 and A/8389/Add.1, paras. 23-26). There has been not one single case of ill-treatment on which the Special Committee has stated that it had reached a definitive judgement beyond any doubt. It has rather sought to bring to the General Assembly's attention a number of cases of alleged ill-treatment which, in its opinion, represented a fair cross-section of practices which are alleged to prevail in Israeli prisons and detention camps and in regard to which the evidence appeared to be strong prima facie evidence. In its first report the Special Committee referred to a number of cases on which, it felt, the evidence was so compelling as to merit attention. The Special Committee intends to pursue the investigation of these cases cited in paragraph 63 above and make every effort to establish the truth. In regard to the three cases selected by the representative of Israel, out of the large number of cases brought to the notice of the Special Committee by the vast majority of the 195 witnesses who appeared before it, and to nine of which cases the Special Committee made pointed reference in its reports, the Special Committee will pursue its investigation of these cases, treating the observations of the representative of Israel in the Special Political Committee on the three cases selected by him as further evidence on the subject. The Special Committee reiterates its firm conviction that the best manner in which the truth could be established in allegations of ill-treatment while under detention would be a free and on-the-spot investigation in the spirit of the Geneva Convention.

73. The Special Committee has quoted the representative of Israel in spite of the offensive tone of his comments and the challenge to the integrity of its members to allow the General Assembly to judge for itself whether the choice of three cases out of the large number cited by the Special Committee and their investigation by the Israeli Government itself without the presence of an impartial observer provides the Israeli Government with any right to indulge in such remarks. The Israeli Government has refused to allow a body appointed by the General Assembly to investigate conditions in the occupied territories. On the other hand, it has reserved for itself the right to comment on evidence after investigations conducted in a manner which no impartial authority has been in a position to check and it claims the privilege of being the sole investigator and judge of its own actions. The Special Committee has not reached any final conclusion in regard to any allegations unless there has been evidence which satisfied the accepted criterion of being beyond all reasonable doubt.

G. Cumulative effect of measures referred to in sections A to F

74. The Special Committee, while dealing with these allegations separately, gave its attention to their cumulative effect and it is obliged to express its conviction that, irrespective of the intention of the Occupying Power, the practices and

policies referred to in sections A to F must, of necessity, result in the international community's being faced with a fait accompli or, in other words, a situation which would be irreversible. This situation would be the incorporation of the occupied territories in or their annexation to the State of Israel. Such a policy of annexation can find expression in different forms, social, political, economic and juridical. Examples of social and political measures are the establishment of settlements, transfer of population, expropriation of property, demolition of houses, deportation and the denial of the right to return, as they produce radical changes in the physical character and demographic composition of the occupied territories, which would result in the elimination of a distinct Palestinian identity.

75. Examples of economic measures, which in the manner of their operation contribute to the policy of annexation, are to be found in the following report appearing in The Economist of London on 18 March 1972 on conditions in the West Bank, which states:

"Before 1967 agriculture was the mainstay of the West Bank's economy. Now farming is feeling the draught because of land lost to Israel and the loss of labour: the 40,000 Arabs who have gone to work at Israeli building sites or factories. Property owners - the people who will vote in the coming municipal election - are, even if not farmers, concerned by this threat to the West Bank's basic economy. No serious alternative industry is being developed to which Arab labourers might turn when Israel's boom slackens.

"These Arab workers in Israel get at least £1.40 take-home money a day. The Arab small-holders who need farm labourers cannot keep up with such rates. The bigger farmers might do so if they could sell their produce in Israel, where the wholesale prices paid are commensurately high. But except when there are occasional shortages in Israel, the West Bank farmers must sell on the low-paying West Bank, or else in East Jordan - where prices over the past year have been abysmal.

"The Israeli authorities on the West Bank concerned with agriculture are doing their best to assist the Arab farmers - advising them about crops, providing insecticides and helping to get them piped water. But they cannot shelter them from thrusts of Israel's powerful commercial interests. The effect of this has been felt in the man-made oasis near Jericho created by the Palestinian philanthropist Mr. Musa Alami - the vocational school and farm of the Arab Development Society.

"Here again the Israeli army has taken a great deal of land, the citrus trees dying upon it; but there remain 1,000 acres of hospitable oasis. Yet it has been hard done by. It was once the biggest dairy and poultry farm in the region. It has had to cut its herds because its principal former customers, the big hotels in East Jerusalem, are now obliged to buy Israeli milk. It used to supply the whole West Bank with day-old chicks and broilers. Now it

can no longer do so because it could not compete with similar Israeli products subsidized by the Governments that were dumped in the West Bank at half the normal price during its necessarily short trading season. So the ADS was put out of the poultry business except for the selling of eggs. This was a severe blow, for the ADS applies its profits to housing and training destitute Arab boys.

" ...

"Many farmers have a fear - perhaps groundless - that, should they run into difficulties in getting labour or markets, their farms might be expropriated. Meanwhile the farmer, like everyone else, Arab or Israeli, breathlessly tries to keep pace with the rising cost of living. On the West Bank this follows closely on Israel's which has increased since 1967 by 300 per cent.

"There is a clash between two economies, between Israel's grant-aided, intensely capitalized and broadly protected agriculture, and the Arab kind, labour-intensive, manually highly skilled but vulnerable and unorganized."

The Israeli claim that the economic situation in the occupied territories has materially improved during the occupation is open to question. In the view of the Special Committee this alleged improvement is merely the natural consequence of an under-developed economy being brought into a close relationship with and placed unavoidably in a position of dependence on a more developed economy. In such circumstances it is to be expected that the standard of living, wages, prices, etc. in the weaker economy would increase as the impact on it of the stronger economy came to be felt. This, in the view of the Special Committee, is the case in the occupied territories, particularly as revealed in the employment pattern which shows that the economy of the Occupying Power has benefited by a substantial influx of manpower from the occupied territories. The foreign trade figures for the West Bank for the period July-September 1971 ^{7/} which disclosed that the occupied territories had an adverse balance of trade of IL 44m (\$10.5 million, approximately) with the Occupying Power during that period, is an eloquent commentary on this trend.

76. The Special Committee has considered the effect of these measures on the economic life and economic future of the occupied territories. In the view of the Special Committee, the fact of the creation of employment, for example, is not, by itself as important as that cheap Arab labour is being used in Israeli territory to promote the interests of the Israeli economy. It appears to the Special Committee that the economy of the West Bank is being employed to promote the interests of the Israeli economy. For this reason, even though the standard of living in the occupied territories may have risen, the question of the dependence of the occupied territories on the economy of the Occupying Power causes the Special Committee serious misgivings as to whether the policy adopted by the Occupying Power and which has brought such an

^{7/} See Monthly Statistics of the Administered Territories, vol. II, No. 1 (Jerusalem, Israel Central Bureau of Statistics, 1972), pp. 8-9, table C/1, Foreign Trade Summary.

economic situation into being is in consonance with the fundamental rights of the population of the occupied territories. The principle of a people's sovereignty over their natural wealth and resources, which derives from their right of self-determination, has been expressly prescribed by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political rights, article 1, of each of which states:

"1. All Peoples have the right of self-determination. By virtue of that right they are free to determine their political status and freely pursue their economic, social and cultural development.

"2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligation arising out of international economic co-operation, based on the principle of mutual benefits, and international law. In no case may a people be deprived of its own means of subsistence. ..."

77. The evidence cited above, particularly the passages appearing in The Economist of London on 18 March 1972 and quoted in paragraph 75 above, justifies the misgivings of the Special Committee. These passages create the impression of a policy and a situation which conform to the classic pattern of colonial economic dominance and exploitation. Such a policy, if given free rein, would reduce the economy of the occupied territory to a position of almost entire dependence on the economy of the Occupying Power for a long time after the end of the occupation. In this sense, the Special Committee has come to the conclusion that the occupation is causing undue interference in the economic life of the occupied territories and even if, for the sake of argument, it is conceded that certain short-term benefits are accruing to the population of the occupied territories the situation could in the long run prove irreversible and, therefore, prove detrimental to the economic future of these territories.

78. Juridical measures through which the policy of annexation has found expression are illustrated by the incorporation of occupied Jerusalem into the State of Israel and the declaration of Jerusalem by Israel as its capital. The Security Council has declared that it does not recognize these measures as valid in its resolution 298 (1971).

H. Other allegations

79. In its three reports to date, the Special Committee has analysed evidence on allegations as to restrictions of movement, harsh curfews and administrative detention. Since the time of the submission of its last report, the Special Committee has received further evidence relevant to these allegations.

80. The evidence that the Special Committee has received shows an improvement in recent months in the freedom movement allowed to the civilians of the occupied territories, both within these territories and the territory of the Occupying

Power. A report appearing in the Jerusalem Post on 2 July 1972 disclosed that restrictions on movement between the Gaza Strip and the West Bank had been lifted. Other reports, appearing in the Jerusalem Post on 8 May and 14 June 1972 and in Ma'ariv on 14 July 1972, state that curfew had been reduced by two hours in a number of areas in the Gaza Strip.

81. As regards allegations of administrative detention, the Special Committee has taken note of the reports that the number of detainees, given as 600 on 20 January 1972, is being reduced considerably. According to a report in the Jerusalem Post on 18 July 1972, Defence Minister Moshe Dayan stated in the Knesset that there was a possibility of reducing the number of administrative detainees to 25. An earlier report in the same newspaper on 5 June 1972 had quoted "informed sources" as stating that 150 persons in Gaza remained in administrative detention.

82. The Special Committee notes that, according to the evidence before it, the number of administrative detainees has decreased and the restrictions on freedom of movement of the civilian population have been somewhat relaxed. The Special Committee expresses the hope that administrative detentions will cease altogether and that resort to curfews and other restrictions on the movement of the civilian population will be totally eliminated.

IV. CONCLUSIONS

83. In its second report, the Special Committee stated that the evidence that it had received reflected a policy on the part of the Government of Israel designed to effect radical changes in the physical character and demographic composition of several areas of the territories under occupation by the progressive and systematic elimination of every vestige of Palestinian presence in these areas. The Special Committee's findings in regard to the allegations that had been brought before it up to that time appear in paragraphs 72-83 of its second report (A/8389).

84. In its supplementary report the Special Committee confirmed its findings with regard to the existence of a policy of annexation and settlement of the occupied territories (A/8389/Add.1, para. 16), of transfer of population and of the denial of the right to return (A/8389/Add.1, para. 20), of ill-treatment whilst under detention (A/8389/Add.1, para. 30), and of mass arrests which, in the view of the Special Committee, were clearly calculated in part to be a means of destroying the morale of the people of the occupied territories (A/8389/Add.1, para. 33). On all these allegations additional evidence had become available to the Special Committee.

85. The Special Committee has noted the evidence that has become available to it since the date of the adoption of its last report, namely, 10 December 1971, and has analysed this evidence in the preceding chapter.

86. In the view of the Special Committee this evidence confirms the existence of a policy on the part of the Government of Israel which, as stated in its second report, is designed to effect radical changes in the physical character and demographic composition of several areas of the territories under its occupation by the deliberate eradication of a distinct Palestinian national identity, which has been acknowledged by the General Assembly and the Security Council in their resolutions, among them resolution 181 (II) by virtue of which the General Assembly of the United Nations recommended the Plan of Partition with Economic Union as spelled out in that resolution and, more recently, resolution 2792 D (XXVI) of 6 December 1971.

87. The Special Committee, replying on the evidence before it, now confirms that there is a deliberate policy of annexation and settlement of the occupied territories and that this policy is in contravention of the human rights of the population of those territories.

88. The Special Committee notes, for instance, that the practice of deportation and the policy of demolition of houses, of establishment of Israeli settlements, of expropriation of Arab property and of denial of the right to return of the civilians who had fled those territories during and after the 1967 hostilities are not only confirmed but are accentuated by the developments, pronouncements and actions that have come to the notice of the Special Committee since its last report was adopted.

89. The Special Committee notes that in the course of the last year there has indeed been some relaxation in security measures. The Special Committee had previously found these measures to be inordinately severe and in excess of the permissible limits under the law and, therefore, to be in violation of the human rights of the civilian population of the occupied territories. It notes, for example, the shortening of the curfew hours in Gaza by two hours as well as the lifting of certain restrictions on movement of the civilians of the occupied territories and the progressive reduction in the number of persons under administrative detention.

90. With regard to allegations of ill-treatment while under detention, the Special Committee, despite the compelling nature of the evidence it has received, is still unable to reach a conclusive finding, which would only be possible after a free investigation by the Special Committee carried out inside the occupied territories. This is not, however, in the Special Committee's opinion, an indispensable requirement for the substantiation of other types of allegations. The Special Committee, having examined all the evidence before it to date, would reiterate its conviction that general prison conditions, despite reported efforts at improvements, still leave much to be desired, mainly due to overcrowding, and that interrogation procedures very frequently involve physical violence.

91. The Special Committee notes that the Occupying Power consistently invokes reasons of security to justify measures taken by it which, in fact, deprive the civilian population of the occupied territories of the protection which international humanitarian law seeks to ensure for them. Thus the Government of Israel has invoked reasons of security : . vindication of:

(a) The expulsion of persons from the occupied territories under so-called deportation orders;

(b) The transfer of several thousand persons from their homes to other parts of the occupied territory;

(c) The expropriation of property including property belonging to persons transferred from their homes;

(d) The establishment of Israeli settlements in the occupied territory and the transfer of Israeli nationals to these settlements;

(e) Demolition of houses;

(f) Administrative detention;

(g) The denial of the right to return to their homes of those persons who fled the occupied territory because of the June 1967 hostilities and those deported or otherwise expelled.

92. It is abundantly clear to the Special Committee that a provision of international law which was designed to be used in exceptional circumstances and under pressure of urgent necessity, has been used indiscriminately and has been arbitrarily converted by Israel into a rule of conduct or definite policy. The Special Committee finds such conduct a negation of the very letter and spirit of the fourth Geneva Convention as formulated in the Commentary on this Convention, which states that the Convention:

"is rather a series of unilateral engagements solemnly contracted before the world as represented by the other Contracting Parties. Each State contracts obligations vis-à-vis itself and at the same time vis-à-vis the others. The motive of the Convention is such a lofty one, so universally recognized as an imperative call of civilization, that the need is felt for its assertion, as much out of respect for it on the part of the signatory State itself as in the expectation of such respect from an opponent, indeed perhaps even more for the former reason than for the latter." 8/

The civilian population has certain inalienable rights which cannot be derogated from. In addition, the fourth Geneva Convention, whose raison d'être is the protection of civilian persons in occupied territory, only allows certain security measures to be taken by the Occupying Power under conditions that are specified in that Convention. The Special Committee recognizes the importance of security considerations, but these can only be invoked in strict accordance with the applicable rules which are clearly enunciated in the Convention and should be without prejudice to the safety and well-being of the civilian population.

93. In the three reports that the Special Committee has presented to the Secretary-General (A/8C89, A/8389 and Add.1), the Special Committee recommended the following formula in an attempt to secure an arrangement acceptable to the parties and which would provide a greater safeguard for the human rights of the civilian population of the occupied territories:

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

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

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

8/ The Geneva Conventions of 12 August 1949 ..., p.15.

94. The Special Committee had recommended that under this arrangement, the State or States or international organization so nominated might be authorized to undertake the following activities:

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

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

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

95. In its latest report (A/8389/Add.1 and Add.1/Corr.1 and Corr.2), the Special Committee explained that it had made this recommendation in the hope that the investigation of allegations of violations of human rights could be conducted on the spot, inside the occupied territories, since this could not be accomplished by the Special Committee itself owing to the refusal of the Government of Israel to receive the Committee or to co-operate with it. The Special Committee continues to believe, and this is borne out by the evidence before it so far, that one of the most effective means of safeguarding the human rights of the population of the occupied territories is to provide an arrangement whereby it would be possible to have a direct and on-the-spot investigation of allegations of violations of human rights of the civilian population. The Special Committee states this because its experience has shown that, irrespective of the motives of the occupying power, policies and practices contrary to the fundamental human rights of the civilian population of the occupied territories are being followed in those territories by the Government of Israel. The Special Committee feels that in the circumstances, where an occupation has persisted for as long a period as five years, it becomes imperative to establish a mechanism whereby effective international supervision is assured in conformity with the spirit of the fourth Geneva Convention.

96. The Special Committee has thought fit to recommend an arrangement which is inspired by the protecting Power formula contained in the fourth Geneva Convention and which could be adapted to the particular circumstances existing in the occupied territories in the Middle East. The recommendation of the Special Committee seeks to avoid such difficulties as have arisen from the political attitude that exists between Arab countries on the one hand and Israel on the other. It has been impelled to make this recommendation, because it is convinced that in this particular situation humanitarian considerations should prevail and take precedence over political issues and because the civilian population of the occupied territories has a right to the protection envisaged in the fourth Geneva Convention and to full respect for its fundamental rights as envisaged in international humanitarian law.

97. The Special Committee regrets that, despite the specific recommendation that has been made repeatedly in its reports, its mandate has been renewed with no attempt or any action to provide such a machinery for the supervision of the implementation of the international law pertaining to the human rights of the population of the occupied territories. In the debates that have taken place in the General Assembly at its twenty-fifth and twenty-sixth sessions on the reports of the Special Committee, a large section of the membership of the United Nations did not appear to pay more earnest consideration to the recommendation of the Special Committee. This attitude of indifference has not served the cause of humanity and has not helped to discourage the Occupying Power from persisting in its disregard for the provisions of the fourth Geneva Convention.

98. The Special Committee would appeal to Member States, whose concern for human rights is beyond question, to show their concern in an effective manner. The responsibility of the United Nations for the safeguarding of human rights has been repeatedly and universally stressed by the Member States and there is, therefore, no reason why a recommendation such as the one made by the Special Committee in its reports should not have formed the subject of more earnest consideration by these States in the course of the twenty-fifth and twenty-sixth sessions of the General Assembly.

99. The Special Committee has not been able to carry out its functions in the same manner as a protecting Power duly appointed under the Convention would have done. The Special Committee feels that it is now, more than ever, necessary with the least possible delay to secure the arrangement proposed by the Special Committee and under which it would be possible to ensure direct supervision of the implementation of the fourth Geneva Convention. The Special Committee recalls that this Convention has not only been ratified by the parties concerned without relevant reservations but that it is applicable in occupied territories since all the conditions for its applicability have been satisfied. It has been stated not only by the Special Committee itself but also by the Special Working Group of Experts appointed by the Commission on Human Rights to investigate alleged violations of the fourth Geneva Convention (E/CN.4/1016 and Add.1-5) that this Convention is applicable in the occupied territories. The International Committee of the Red Cross has repeatedly expressed the same opinion and has on several occasions attempted to secure a formal application of this Convention.

V. ADOPTION OF THE REPORT

100. This report was approved and signed by the Special Committee on 25 September 1972 in accordance with rule 20 of its rules of procedure as follows:

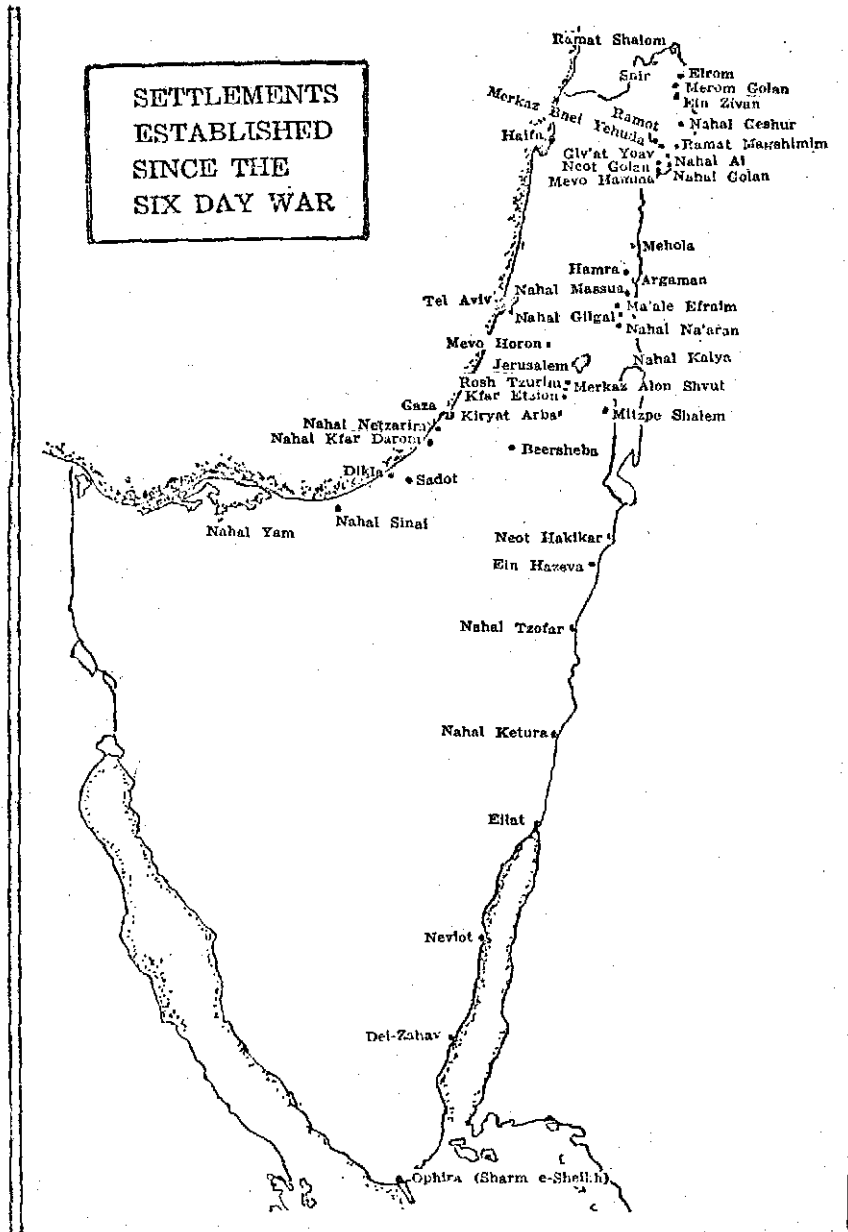
(Signed) H. S. AMERASINGHE (Sri Lanka)
Chairman

(Signed) H. NUR-EIMI (Somalia)

(Signed) B. BOHTE (Yugoslavia)

Annex I

MAP PUBLISHED IN THE JERUSALEM POST ON 30 JULY 1972
SHOWING SETTLEMENTS ESTABLISHED SINCE THE JUNE 1967 HOSTILITIES



Map showing new settlements since 1967. The major towns are given for reference.

Annex II

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

1. A/8651-S/10495 Letter dated 5 January 1972 from the Permanent Representative of Syria addressed to the Secretary-General
2. A/8667-S/10565 " " 15 March 1972 from the Chargé d'Affaires a.i. of Egypt addressed to the Secretary-General
3. A/8671-S/10570 " " 21 March 1972 from the Permanent Representative of Israel addressed to the Secretary-General
4. A/8674-S/10582 " " 29 March 1972 from the Permanent Representative of Egypt addressed to the Secretary-General
5. A/8675-S/10587 " " 3 April 1972 from the Permanent Representative of Israel addressed to the Secretary-General
6. A/8677-S/10590 " " 6 April 1972 from the Permanent Representative of Egypt addressed to the Secretary-General
7. A/8678-S/10598 " " 14 April 1972 from the Permanent Representative of Jordan addressed to the Secretary-General
8. A/8679-S/10614 " " 20 April 1972 from the Permanent Representative of Egypt addressed to the Secretary-General
9. A/8682-S/10628 " " 2 May 1972 from the Permanent Representative of Israel addressed to the Secretary-General
10. A/8685-S/10663 " " 23 May 1972 from the Permanent Representative of Egypt addressed to the Secretary-General
11. A/8687-S/10667 " " 30 May 1972 from the Permanent Representative of Israel addressed to the Secretary-General

- | | | | |
|-----|----------------|---------------------------|--|
| 12. | A/8692-S/10694 | Letter dated 12 June 1972 | from the Permanent Representative of Egypt addressed to the Secretary-General |
| 13. | A/8695-S/10700 | " " 15 June 1972 | from the Permanent Representative of Israel addressed to the Secretary-General |
| 14. | A/8699-S/10704 | " " 20 June 1972 | from the Permanent Representative of Syria addressed to the Secretary-General |
| 15. | A/8735-S/10717 | " " 23 June 1972 | from the Permanent Representative of Egypt addressed to the Secretary-General |
| 16. | A/8737-S/10726 | " " 29 June 1972 | from the Permanent Representative of Jordan addressed to the Secretary-General |
| 17. | S/10732 | " " 6 July 1972 | from the Permanent Representative of Israel addressed to the President of the Security Council |
| 18. | A/8755-S/10760 | " " 10 August 1972 | from the Permanent Representative of Jordan addressed to the Secretary-General |
