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

Establishment of the Committee in 1968

The concern of the United Nations for the human rights of the civilian population in the territories occupied by Israel during the 1967 Arab-Israeli hostilities was first expressed by the Security Council in Resolution 237 of June 1967. Acting unanimously, the council called upon the Israeli government to ensure the safety, welfare, and security of the inhabitants of the areas where military operations had taken place, and to facilitate the return of those inhabitants who had fled the areas since the outbreak of the hostilities. It recommended to the governments concerned the scrupulous respect of the humanitarian principles contained in the Fourth Geneva Convention of 1949 governing the protection of civilian persons in time of war.

The International Conference on Human Rights, meeting in Tehran in May the following year, expressed grave concern at the violation of human rights in the Arab territories occupied by Israel. It requested the General Assembly to appoint a special committee to investigate violations of human rights in the occupied territories.

On 19 December 1968, the General Assembly, in adopting Resolution 2443 (XXIII), established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied

*United Nations, New York, 1985.

Territories. By the resolution, adopted by a vote of sixty in favor to twenty-two against, with 37 abstentions, the assembly requested its president to appoint three members to the special committee. The special committee was asked to report to the secretary-general as soon as possible and whenever the need arose thereafter. The assembly requested the government of Israel to receive the new body, cooperate with it and facilitate its work.

Following the vote, the representative of Israel said her government rejected the resolution as being one-sided and tainted with discrimination. Since its origination in the Tehran Conference, the resolution had been motivated exclusively by political and propaganda considerations and was far from being the humanitarian resolution it purported to be. In Tehran there had been built into the resolution the suggestion of a committee of inquiry and a prejudgment of the results of the proposed inquiry. That same prejudgment was repeated in the preamble of the present resolution, she said.

The Israeli government has, since the committee's inception, refused to allow it to visit the occupied territories; the committee has had to base its work on information gathered during visits to the neighboring states, including interviews with individuals from the territories who have first-hand knowledge of and personal experience with the human rights situation there. Since 1969 the committee has prepared and submitted sixteen reports to the General Assembly for its consideration through the Special Political Committee, which is one of the seven main committees of the assembly. Following the restitution of the town of Qunaytra to Syria in 1974, and of Sinai to Egypt in 1982, the territories considered by the special committee in its work are the West Bank (including East Jerusalem), the Gaza Strip, and the Syrian Golan Heights.

Membership: Originally, the membership of the special committee consisted of Somalia, Ceylon (now Sri Lanka), and Yugoslavia. Somalia withdrew and was replaced by Senegal in 1974. The current chairman of the special committee is Nissanka Wijewardane, permanent representative of Sri Lanka to the United Nations, who took over in April 1984 from his predecessor, Ignatius B. Fonseka. Senegal is currently represented in the special committee by Alioune Sene, its permanent representative to the United Nations Office at Geneva. Dragan Jovanic, a professor of law in the University of Rijeka, currently represents Yugoslavia.

The Committee's 1984 report

The 135-page report of the committee (document A/39/591) deals with the twelve-month period preceding 31 August 1984. It is based on oral

testimony of persons having first-hand experience with the human rights situation in the occupied territories, statements by Israeli government officials on the Israeli policy regarding the territories, and newspaper reports on the situation in the territories, such as those relating to the treatment of civilians, activities of settlers, and conditions in Israeli detention centres.

In conducting its work, as in previous years, the committee held three series of meetings, two of them in Geneva and the remaining one in Amman and Damascus, where it heard oral testimony. A large part of its report is made up of press reports from the Israeli dailies *Ha'Aretz*, the *Jerusalem Post*, *Ma'ariv* and *Yehidot Aharonot*; and the Arabic weekly and Arabic daily *al-Fajr* and *al-Tali'ah*. According to the report, the committee "has taken particular care to rely on information that has not been contradicted by the government of Israel or that is commonly considered as reliable by that government."

In its report the committee, after reviewing various aspects of life in the occupied Arab territories, states that there has been a further deterioration of the human rights situation there. It found that the Israeli government was continuing, "with increasing vigor," its policy of annexation and settlement in the occupied territories. Old settlements had been enlarged and consolidated, new settlements were being established, and there were building plans which extended well into the next century. As the number of Israeli settlers increased, so did the incidence of violence which had characterized the period covered by the report. There existed a number of highly organized groups of Israeli settlers whose aim was to consolidate the Israeli presence by terrorizing the civilian population.

According to the report, Israel's occupation authorities continued to apply a variety of measures which affected virtually all aspects of life in the occupied territories. These included restrictions on the right of those in the occupied territories to express themselves, to move about freely, and to form associations. Various measures also had an adverse effect on the educational system of the territories. The number of those detained by Israeli authorities for political or security offenses continued to increase, and the special committee was receiving more and more reports of hardships under detention.

In the course of its work, the committee took note of several reports concerning the human rights situation in southern Lebanon, including the conditions in the Ansar prison camp. However, according to its chairman, the special committee did not address that problem in its report due to the constraints of its mandate.

The committee's findings are divided into sections on the policy followed by the Israeli government in the occupied territories, the problems faced by the civilian population, measures of annexation and settlement, the treatment of detainees, and judicial remedies. The findings are summarized below.

Fundamental Freedoms

The committee received oral and written evidence relating to the fundamental freedoms (such as the rights of people to education, to express themselves, and to form associations). On the question of education, the committee was told that the Israeli authorities continued to apply measures which affected the running of academic institutions in the West Bank. It received information that the problems posed by Military Order 854 persisted, and resistance to it continued. Promulgated in July 1980, that order subjects the tenure of professors and lecturers at Arab universities on the West Bank to the issuance of annual permits by Israeli military authorities. The committee noted that the requirement of signed undertakings of political character by teachers had introduced a political element into the academic context, "thereby creating a situation of ongoing confrontation between the military authorities and teachers and students."

The report goes on to say that, as in previous years, the mass transfer of teachers and students from one region of the occupied territories to another, and the closing of schools for prolonged periods, continued. Those appearing before the committee stated that changes introduced by the occupation authorities affected curricula, the appointment and tenure of teachers, and the management of schools. Testimony was given regarding the censorship of books and maps, and of efforts to Judaize the curricula of schools in the occupied territories.

Regarding the freedom of expression, a number of witnesses informed the committee of severe Israeli censorship encountered by editors of books, pamphlets, and newspapers.

There was said to be strict control over exhibitions having a nationalist, Palestinian character. The report cites the case of Fathi Ghabin of Gaza, an artist who was sentenced to six months in jail and given a heavy fine in May 1984 for using the four colors of the Palestinian flag—black, green, red, and white—in his work. The committee was of the view that the adoption of such measures went beyond the scope of the Fourth Geneva Convention since they were not required for the security of the occupying power or the

maintenance of order. "The sole aim of such restrictions is to stifle any attempt at Palestinian patriotic expression," the committee states.

As for freedom of association, witnesses informed the committee that trade unions did not exist for all professions and trades because their formation was severely restricted. A printer from the town of Nablus, Usama Khalid, testified that Palestinians in the occupied territories earn far lower wages than their Israeli counterparts. He said the Palestinians lacked health insurance, social security, and unemployment compensation.

Treatment of Civilians

After reviewing the evidence before it, the committee concluded that the Israeli policy in the occupied territories "has led to an increase in the harshness of the sentences handed down against Palestinian civilians, a considerable increase in the occurrence of incidents involving violence, and the discovery of large-scale organized settler groups whose purpose is to intimidate Palestinian civilians and to expand and consolidate Israeli settlement and annexation of the occupied territories."

It noted that Palestinian civilian leaders such as trade unionists, lawyers, teachers, and journalists were being subjected to arbitrary orders restricting their freedom of movement. Travel bans and town restriction orders were passed out repeatedly in different parts of the occupied territories. Some Palestinian leaders were denied permission to travel abroad. It heard of harassment by Israeli tax officials of Palestinian traders, farmers, and shopkeepers, in spite of strong protest against such treatment.

Witnesses also spoke of Israeli interference with the agriculture in the occupied territories. According to one witness, farmers in the Jordan Valley who were growing eggplants and tomatoes without prior authorization were given heavy fines. Limitations had been imposed on agricultural produce grown for export to Arab countries and on crops that require large quantities of water. Military Order 1200 obliged farmers to reduce their citrus crop by 50 percent, it was said. Permits were required in order to transport vegetables and citrus fruits within the occupied territories or into Jordan.

The committee also learned that attempts made by the Israeli authorities in preceding years to impose the Village Leagues had been abandoned for all intents and purposes. This left the municipal authorities of the principal towns of the West Bank and the Gaza Strip in the hands of Israelis nominated by the military authorities. The dissolution of the properly elected municipal councils, on the other hand, continued to complicate

further life for the civilian population and to facilitate the consolidation of the Israeli presence in the occupied territories, the report states.

In an attempt to describe the day-to-day living conditions in the occupied territories, the section of the report which deals with the treatment of civilians also contains a detailed list of "incidents" that occurred in the occupied territories during the reporting period. The list, not meant to be exhaustive, reflects the frequency, location, and type of such events. The incidents listed involve, on a sample basis, instances of stone throwing, grenade attacks, rioting, demonstrations, closure of universities, curfews, demolition of houses, throwing of petrol bombs, raiding of homes of Palestinian leaders, school break-ins, clashes between police and local youths, shooting incidents, the raising of the flag of the Palestine Liberation Organization (PLO), arson, and the discovery of sabotage charges.

Information is given on instances of collective punishment carried out by the Israeli authorities, including the demolition or sealing of houses, and the closing down of shops. The report draws the special attention of the General Assembly to the plight of the people in the Dheisheh refugee camp on the Bethlehem-Hebron road, whose residents are said to be suffering from "incessant measures of duress." The Israeli administration reportedly imposed sanctions—such as lengthy curfews, arrests, and restrictions upon travel—upon the residents of the camp in accordance with its "punishment policy" against those suspected of stone throwing and participating in other disturbances.

The committee noted the continuing practice of deporting or expelling civilians based on the Defense (Emergency) Orders of 1945. As an example, it cited the case of 'Abd al-'Aziz Shahin, a Palestinian who, after serving a fifteen-year sentence, was threatened with expulsion from the occupied territories for being a PLO activist, for constituting a security risk, and for inciting Arabs of Gaza against the state of Israel. At the time of the completion of the committee's report, Mr. Shahin was seeking annulment of that expulsion order.[†]

Annexation and Settlement

Relying on the evidence before it and on information from the Israeli and Arabic press, the committee concluded that the general Israeli settlement policy of past years had continued unchanged. The report states:

[†]Abd al-'Aziz Shahin was in fact deported on 17 February 1985—Ed.

“This policy is based on the concept that the territories occupied by Israel since 1967 constitute part of the state of Israel and that, therefore, measures taken by the government of Israel, such as the establishment of settlements and the transfer of Israeli citizens to the occupied territories, did not constitute a process of annexation.” It cites reported statements on Israeli policy on this subject by high-level Israeli officials and states that those statements reflect the unequivocal intention to annex the territories occupied in 1967, in violation of the obligations of Israel under the Fourth Geneva Convention.

The report cites a study of the West Bank settlements prepared by Meron Benvenisti, former deputy mayor of West Jerusalem, according to which the already existing infrastructure of land and other resources prepared by the Likud government over the past seven years is more than sufficient for a large number of Israelis to continue to settle across the 1967 “green line.” According to that study, some 40 percent of land in the West Bank was already available for Israeli use through acts such as expropriation for military purposes, declaration as “state land,” and purchase and zoning laws. Approximately one-third of the Gaza Strip had also been set aside for settlement.

According to the committee, permission for new settlements in the occupied territories continued to be granted through its reporting period. In April 1984, for instance, Israel’s Ministerial Settlement Committee approved the creation of many new settlements in the West Bank, among them the settlements of Livna, Eli, Irit, Adam, Omarim B, and Hirbert-Zanoah. Nissanit and Bnei-Atzmon were the settlements approved for Gaza, and for the Golan, Ein Kanaf and Daliot. A wave of new settlements and ceremonial inaugurations was reported in the weeks preceding the July 1984 general election in Israel. Many of the new settlements were speedily built operations designed to “establish facts on the ground.”

The report also cites documents of the Zionist Federation’s Settlement Department containing, for example, details about the future development of an area north of Jerusalem. According to the plan, twenty-seven new settlements are to be built in there by the year 2010 at a cost of approximately \$650 million. In twenty-six years’ time, the Jewish population of the area would stand at 190,000 in forty-seven settlements, as against an Arab population of 240,000.

A witness before the committee, Shadi Salam, stated that in 1983 the Israeli authorities had seized 213,000 dunams of West Bank land around the towns of Nablus, Hebron, and Jerusalem (one dunam is equivalent to 1,000

square meters). He said that recently the Israeli authorities had been focusing on areas with concentrations of Palestinians.

Activities of Settlers

In the section having to do with the activities of Israeli settlers that adversely affect civilian life in the occupied territories, the report deals extensively with "vicissitudes" of the report of the Commission of Inquiry established in Israel under the chairmanship of Deputy Attorney General Yehudit Karp. (The Karp Commission was appointed to conduct an investigation into accusations made against settlers in the West Bank by local Arabs. It had presented its report in May 1982. The chairman resigned a year later, reportedly because the findings and recommendations of her commission had been ignored by the authorities. The report of the commission was made public in February 1984.) The committee's report states that the Karp Commission report confirms much of what the special committee itself had been saying in its earlier reports. The Karp Commission's work has been annexed to the committee's report.

According to the committee, the activities of Israeli settlers covered the entire territories occupied by Israel in 1967 and affected all sectors of the Palestinian population. It notes that "a few of the Israeli settlers concerned have been brought to trial but no serious measures have been taken to put an end to this phenomenon." The committee "reiterates its conviction that the government of Israel remains fully responsible for the acts of its civilians and, in particular, Israeli settlers, under the Fourth Geneva Convention."

The report gives accounts of the activities of various Jewish underground groups operating in the occupied territories. It reports on the alleged activities of several of these groups, such as TNT ("Terror Against Terror"), which claimed responsibility for shooting at a bus carrying Arab workers on 4 March 1984. The report also deals extensively with the activities of an underground group of leading activists in the settlers movement who were arrested after bombs were found on 27 April in six Arab-owned buses in the Jerusalem area. The bombs—which were defused—were reportedly timed to go off at a time when the buses would have been in use transporting passengers. It was reported that the members of that group were well-known and highly regarded in the Gush Emunim movement, and that some of them had attempted to assassinate West Bank mayors in May 1980 and had also plotted to blow up the al-Aqsa Mosque and the Dome of the Rock on the Temple Mount. Investigative sources reportedly said that the intent of at least one of the underground network's

cells was to “frighten the Palestinians into a mass exodus.” Charge sheets were filed by the state attorney’s office with the Jerusalem Magistrate’s Court against twenty-five suspects on 23 May.

Treatment of Detainees

The committee heard extensive evidence on the general condition of prisons and the treatment of detainees by the Israeli authorities. The report says that there had been an increase in the number of allegations of ill-treatment. Former detainees spoke of harsh treatment and severe conditions prevailing in both interrogation centers and prisons. Prisoners had sought to improve the conditions of their confinement through numerous hunger strikes over the years, they said. A witness from Nablus who had spent sixteen years in prison provided the names of persons who had died during detention or interrogation. Other testimony concerned systematic beatings, physical and psychological ill-treatment, overcrowding, prolonged solitary confinement, malnutrition, and the lack of sanitary facilities.

Conditions prevailing in the Fara’a camp, which was opened as a special temporary detention center to hold young detainees, were said to be particularly harsh. The committee noted that “the conditions of detention and the treatment of detainees were the subject of clear provisions in the Geneva Convention which the information before it shows are not being observed.”

Conclusions of the Special Committee

After considering all the collected information and evidence, the committee came to the conclusion that “the situation in the occupied territories suffers from continuing deterioration in the level of respect for the human rights of the civilian population.” The relevant provisions of the Fourth Geneva Convention continued to be disregarded.

(The Geneva Convention relating to the protection of civilian persons in time of war, of 12 August 1949, stipulates that military occupation is to be considered a temporary situation, giving no right whatsoever to the occupying power over the territorial integrity of the occupied territory. It forbids individual or mass forcible transfers and deportation from an occupied territory by the occupying force, and states that “the occupying power shall not deport or transfer part of its own civilian population into the territory it occupies.” The party to the conflict in whose hands the

protected persons in the occupied territory may be is responsible for the treatment accorded them, irrespective of any individual responsibility which might be incurred. The convention also deals with the treatment of persons under detention and envisages the enactment of legislation to impose penal sanctions on persons committing grave breaches of the convention. It prohibits the imposition of collective penalties.)

“The cycle of repression and reaction to this repression has continued unabated and affects all sectors of life of the civilian population, from the civil and political to the economic, social, and cultural sectors,” the committee said. “On the other hand, the hundreds of thousands who are outside the occupied territories are still denied the right to return while their property is being taken over for the establishment of Israeli settlements.” The report concludes by saying that the international community must “assume its responsibility and adopt measures to prevent this deterioration and do so by taking the first steps in protecting the very basic rights of the civilians in the occupied territories.”