

Judiciary, Immigration and Naturalization

THE COLONIZATION OF THE WEST BANK TERRITORIES BY ISRAEL



HEARINGS
BEFORE THE
**SUBCOMMITTEE ON
IMMIGRATION AND NATURALIZATION**
OF THE
**COMMITTEE ON
THE JUDICIARY**
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
**THE QUESTION OF WEST BANK SETTLEMENTS AND THE TREAT-
MENT OF ARABS IN THE ISRAELI-OCCUPIED TERRITORIES**

OCTOBER 17 AND 18, 1977

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CONTENTS

OPENING STATEMENT

Senator Abourezk.....	Page 1
-----------------------	-----------

WITNESSES

OCTOBER 17, 1977

Shahak, Israel, professor, Hebrew University.....	2
Blum, Yehuda Zvi, professor, Hebrew University.....	24
Mallison, W. T., professor, The George Washington University.....	46

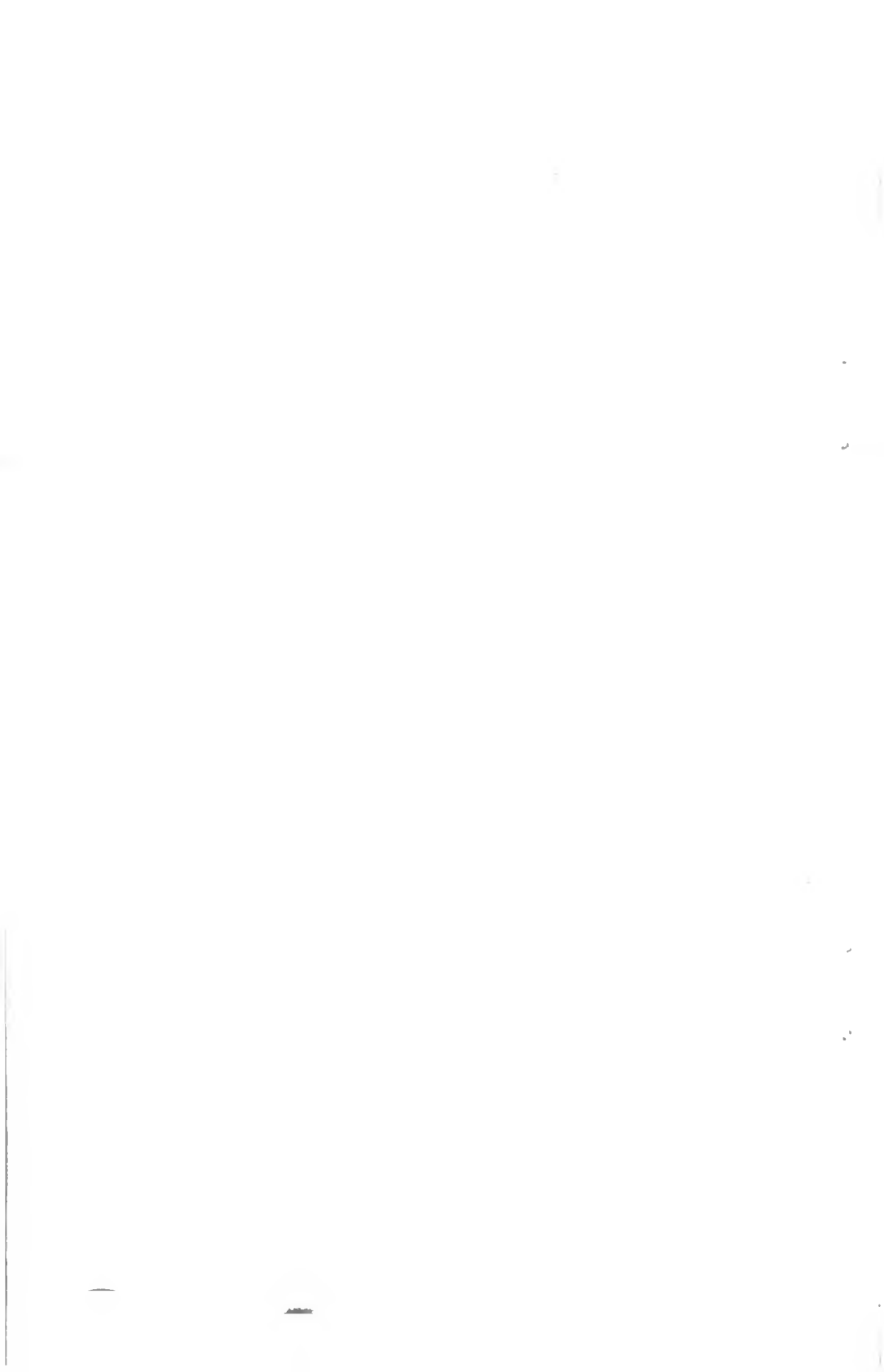
OCTOBER 18, 1977

Tamari, Salim, professor, Birzeit College.....	73
Dakkak, Ibrahim, engineer, Jerusalem.....	81
Al-Asmar, Fawzi, poet, Jerusalem.....	109

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Basic outline of Israeli Minister of Agriculture Ariel Sharon's settlement plan.....	12
Lists and maps of existing Israeli settlements on the West Bank, Golan, Sinai and the Gaza Strip (as of August 1977).....	13
A survey of Israeli settlements prepared by the Middle East Research and Information Project.....	57
The Middle East Research and Information Project's paper on Israeli settlement policy.....	65
Article on Palestinian political prisoners.....	90
Article on some aspects of Israel's annexationist policies regarding Jerusalem and the occupied territories.....	103
Article 49 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.....	115
Testimony of Alfred L. Atherton, Jr., Assistant Secretary of State for the Near East and South Asia before the House International Relations Subcommittee on International Organizations.....	115
Israeli Minister of Agriculture Ariel Sharon's plan for settlements as reported by the Jerusalem Post, September 12, 1977.....	117
An interview with Ariel Sharon in the Jerusalem Post, September 9, 1977.....	121
Article on Israeli land acquisition, 1967-77 by John Ruedy.....	124
Jerusalem Post article on plans of the Jewish Agency Settlement Department, September 12, 1977.....	127
A collection of articles from other Israeli newspapers on settlements in the occupied territories.....	131
Report issued by the International Committee for Palestinian Human Rights in Paris on State Department reporting of Israeli human rights violations.....	142
Collection of Israeli newspaper articles on the persecution of Black Hebrews in Israel.....	163
Letter giving eyewitness accounts of two incidents involving treatment of detainees in Jerusalem by Israeli police.....	165
Israeli news articles about Arabs in the occupied territories who work in Israel.....	166
Article by Felicia Langer on Palestinian children in the occupied territories.....	170
Report on oppression in Ramallah and El-Bireh in the occupied territories, March 1977 by Israel Shahak and Eytan Grosfeld.....	173
A report on violations of human rights in the West Bank prepared by the Swiss League for Human Rights observation mission.....	179

10/10/77



THE COLONIZATION OF THE WEST BANK TERRITORIES BY ISRAEL

MONDAY, OCTOBER 17, 1977

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND NATIONALIZATION,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice at 10:05 a.m., in room 6202, Dirksen Senate Office Building, James Abourezk (acting chairman of the subcommittee) presiding.

Present: Senator Abourezk.

Staff present: Wendy Grieder, legislative assistant.

Senator ABOUREZK. The hearing will come to order.

Before I make an opening statement I would like to make an announcement.

The hearings tomorrow will be held in a different room on this floor at 10 o'clock in the morning in room 6226. It is just down the hall on the same floor of this building.

The witnesses tomorrow will be Mr. Salim Tamari, professor of sociology at Birzeit University, and Mr. Ibrahim Dakkak, an engineer by profession and a resident of Jerusalem who has specialized in research on the status of Jerusalem.

OPENING STATEMENT OF SENATOR ABOUREZK

This is a public hearing by the Senate Judiciary's Subcommittee on Immigration and Refugees. This subcommittee has as its responsibility the problems of refugees, and nowhere is there a greater group of refugees existing than in the Middle East. Some 3 million Palestinian refugees comprise the Palestinian diaspora, a result of having been driven from their homeland in 1948 by the military forces of what is now the State of Israel. Many of these are double refugees, having been driven out of Palestine in 1948 and again fleeing in 1967 when Israel further expanded as a result of the war in June of that year.

The issue facing the U.S. Government at this time is how we will use our influence to bring the parties involved in the Middle East conflict to a reasonable and just settlement of the controversy. A key to that settlement of whether or not the Palestinian refugees will eventually be able to establish a state of their own, of a kind of which they were deprived by the acquisition by force of arms of their lands by Israel in 1948.

The area largely conceded to be a logical site for such a Palestinian State is what is called the West Bank of the Jordan River, now under Israeli military occupation. However, a number of Jewish settlements have been implanted in the occupied territories by Israel, with a great many more planned. This creation of "new facts" not only is in violation of international law and the United Nations Charter, but it makes more difficult an already difficult situation.

The question really comes down to this: in 1977, at a time when the nations of the world have totally abandoned their colonies and their colonial ambitions; when the American people and its government are applying pressure on Rhodesia and South Africa to allow majority rule; should the United States underwrite the creation of a whole new system of colonies by Israel in the occupied Palestinian territories?

For myself the answer is that it should not. These hearings will hopefully provide an answer to this question for the country as a whole.

Our first witness this morning is the distinguished professor of chemistry at Hebrew University, Dr. Israel Shahak, a citizen of Israel and resident of Jerusalem.

Dr. Shahak, would you come up to the witness table please?

I believe you have an opening statement. If you would like to proceed we would like to welcome you to the subcommittee hearings and ask you to begin with your testimony.

**TESTIMONY OF ISRAEL SHAHAK, PROFESSOR OF CHEMISTRY,
HEBREW UNIVERSITY**

Dr. SHAHAK. I would like to concentrate not on questions of law but on questions of justice and questions of the day-to-day situation of particular conquered territories. Those questions of justice, basic justice as can be understood by every citizen and every fair human being and I will also speak on the situation induced by the settlements of the people of the conquered territories.

First of all, I would like to point out that the creation of the settlements in a territory, whose inhabitants then cannot settle in the state which settles this territory violates, in my opinion, the right of equal justice, the right which says that the people should be treated under equal law. I oppose both inside the State of Israel and in every place and in every forum of the world the statement of my Prime Minister, Mr. Begin, that Jews have the right to settle in the land of Israel because rights should be given irrespective of religion, race, and nationality.

As I said in my own country, I say here that if the Jews of Tel Aviv have the right to settle on the West Bank, then they have it only under conditions that a mutual and equal right should be given to all the people, let us say, people of the West Bank to settle in Tel Aviv.

Every other situation violates the conditions of freedom as known in modern states and violates the very principles established by the American Revolution and of the French Revolution and the most fundamental rules of a modern democracy. It returns us to the principles which were employed by anti-Semites against Jews. I say this especially as a Jew. The settling of the territories under this unjust

and unequal law reminds me very much the situation of Jews who had suffered in European and other countries until the end of the 18th century and sometimes later, when they were not allowed to settle where they wished but were kept in certain areas or in ghettos.

Allowing only the Jews of Israel to settle in territories and not allowing the people of these territories to settle in Israel under the mutual and equal right resembles to me such persecution of Jews.

I say, furthermore, that we should not have used the words "Israeli settlements" on the West Bank as we have here on this map [indicating] because, as is known to everybody in Israel, only Jews are allowed to settle in those settlements, and not Israelis.

As a matter of recorded fact, neither people of the conquered territories nor Israeli citizens who are not Jews are allowed to settle in the settlements on the West Bank or in Gaza or in the territory of Golan or Sinai.

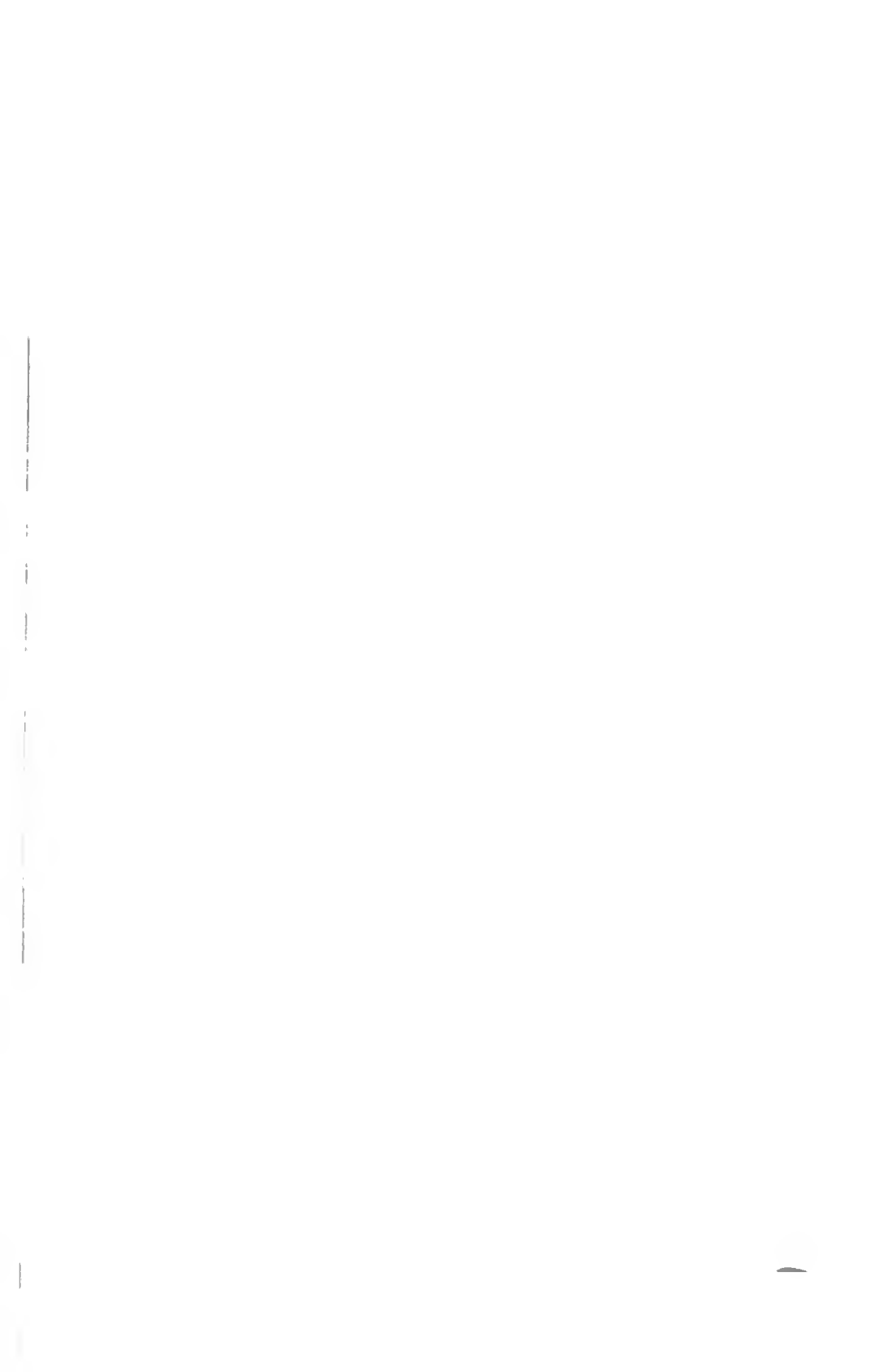
This constitutes the most blatant and open racism, both toward the people of the occupied territories who are not allowed to dwell and to live in state-formed settlements established on their own land and also toward those Israeli citizens who do not happen to be Jews.

In addition, this also constitutes an act of racism against the American citizens, and a matter of fact, against citizens of the whole world. We have a situation in which Americans are invited to settle in the West Bank, in the Gaza Strip, or on the Sinai Territory, or in Golan and other places but only on the condition that they are Jews. This means in law and in practice that an American citizen in order to benefit from those very high material incentives offered to settlers in those territories must either be converted to the Jewish religion and one of the conditions, is denying the religion of his ancestors or showing that he is born of a Jewish mother, grandmother, great grandmother, and the grandmother of the grandmother.

I say this not only as a human being but as a Jew that if the American Government would establish such settlements whether in Alaska or Puerto Rico, I would have protested and if Jews were required in order to participate in those American settlements to deny their faith and accept, for example, the divinity of Jesus Christ, then this would in my opinion constitute the most blatant case of anti-Semitism. Even so and by the same reasoning, settlements which are open only to such American citizens, who are Jews or who convert to Judaism and deny the faith of their ancestors, constitute equally a case of racism.

Lastly, I want to point to this: Those settlements are serving as centers of the most blatant and horrifying child labor and exploitation employing unjust and unequal wages. I want especially to draw the attention of this committee to the horrible and shocking case of cheap labor in the area called Pithat Rafiah—in Hebrew and in English Rafiah Approaches—in the northwestern corner of the Sinai on Egyptian territory, where, as I can testify from the evidence of my own eyes, confirmed by many Israelis, for example, Dr. Amnon Kapelink, who has published his findings in the French and Hebrew press. Children of an age of 7 or 8 years are employed at picking tomatoes and other vegetables. Whole families are employed under the conditions of slave labor. And even for those who are employed not under those conditions of slave labor, an Arab laborer is officially





implied there that all the settlements described there will remain a part of the state of Israel (Jerusalem Post, September 9, 1977). On the same day, in an interview with Ma'ariv, General Sharon, the Israeli minister of agriculture and the minister in charge of the settlements in the occupied territories, stated, speaking about the settlements on the Golan Heights, "There is absolutely no disagreement between me and the Prime Minister. It is only a matter of formulation. No disagreement. There is absolutely no possibility of retreat on the Golan. Not in the common use of the word. One might correct the border here and there, a matter of a few hundred meters, and I emphasize, no more. And even such border-corrections cannot be done everywhere, but only in a limited number of places. That it is. Absolutely not more. There is no disagreement. In contrast to the former governments, this one is new in not having disagreements and rivalries among the ministers. There are differences of opinions, differences of formulation, but the government acts as one body and has one stand" (Ma'ariv, September 9, 1977).

Similarly declared Professor Ra'anana Weitz, the Director of the Settlements Department of the Jewish Agency, on September 2, 1977, when questioned as follows:

Question. "Is the meaning of a new settlement that we shall not move from that place?"

Answer (of Professor Weitz). "Yes. Surely. According to my opinion of a new settlement that is founded, one is prohibited from leaving that place." (Yedioth Aharonot, September 2, 1977)

3. THE REASONS FOR SETTLING THE TERRITORIES

There are in my opinion two chief reasons for the Israeli settlements in the occupied territories and only those: The establishment of new frontiers for the state of Israel, and the holding down of the Arab population of the occupied territories in a state of permanent subjugation. The first, which has been referred to above, is to establish the future permanent border of the state of Israel in the consciousness of the Israeli Jews first of all; in the consciousness of the Diaspora Jews who are providing some of the money involved; and finally by creating "faits accomplis" in the eyes of world opinion to finish this process.

In this connection the plan of the "inland population strip" as enunciated by General Sharon (Jerusalem Post, September 9, 1977) and which was based on plans proposed informally at least a year before, clearly shows the "Greater Israel" with a heavily populated eastern border "extending from the Golan, through the Jordan Rift Valley, the Arava and down to Sharm el-Sheikh" (ibid).

But there exists a second reason for the settlements, a reason as important as the first: To divide the Arabs of the occupied territories into small segments, divide one from another by the "lines" or "wedges" of Jewish settlements, in order to make them "manageable" for the future of permanent subjugation. It should be clearly stated and as clearly understood that for General Sharon, the Israeli minister in charge of the settlements, Arabs constitute a danger just because they are Arabs and for no additional reason. For example the sole reason for "the insertion of a wedge of Israeli settlements" on "the western slopes of Samaria" is given as the presence of "a string of Arab villages", inside the area of the state of Israel, whose population numbers close to 100,000, and "another band of dense Arab settlements" which also numbers "close to 100,000 inhabitants" on the other side of the *former green line*" (my emphasis, but Sharon's expression!). The sole purpose of inserting this "wedge" of Jewish settlements is "the danger", as General Sharon says, of one block of Arabs joining the other block. It is especially important to note that one of the "blocks" of Arabs which constitutes "a danger" according to General Sharon, is composed of Israeli citizens, whose danger consists apparently in the fact that they do not happen to be Jews, and this racist argument is then used as the reason for the establishment of a "wedge" of Jewish settlements. (All quotations from Jerusalem Post, September 9, 1977). The same argument appears in another similar description of Sharon's settlement plans in Ma'ariv of September 1, 1977, where the reason for establishing Jewish settlements in this area is given as "to prevent such Arab continuity". The height of this racist approach was reached by General Sharon in an interview with Ma'ariv on September 9, 1977, in which Arabs generally were stigmatised as "strangers" who steal the "national lands"—the clear implication being that Arabs, whether Israeli citizens or not are forever strangers in their own country, in which they were born, and that only Jews should be allowed and encouraged to "settle" on state lands, whether in Israel or in the occupied territories.

In my opinion, it is this racist approach which is the strongest reason for the plans of settlements of the present Israeli government.

4. INCENTIVES FOR THE JEWISH SETTLERS IN THE OCCUPIED TERRITORIES

Although a minority of the Jewish settlers in the occupied territories are drawn there for "ideological" reasons, it should be clearly explained that the Israeli government employs a variety of material incentives—given only to Jews, of course, but to Jews from all countries of the world—in order to induce them to settle in the occupied territories. Other material benefits are given by the Jewish Agency and the Jewish National Fund, actually employing to a large extent money collected in the USA as "charity" and as such deductible from US income tax.

As the most important example of such material incentives let me quote the very much reduced apartment prices offered in the town of Yamit—in Egyptian territory, in north-western Sinai—according to the advertisement of the Israeli Ministry of Building and Housing, of September 2, 1977. From a variety of apartments and cottages offered in this ad, I am selecting the most expensive and the cheapest examples: "A cottage built in a row, of 5 rooms, area of 113 square meters, with a courtyard" will cost 270,000 Israeli Pounds (about \$28,000). Of this sum, a family which does not have an apartment in Israel can get 100,000 I.P. in a government loan which is not tied to the inflation rate (which under the conditions of up to 40 percent rate of yearly inflation prevalent in Israel is more a gift than a loan), 25,000 I.P. in the form of a "conditional grant" (conditional on the recipient's remaining some years in the settlement) and in addition a loan, under unspecified conditions, of 30,000 I.P. All together, the loans and the grants can amount to 155,000 I.P., so that the remaining sum to be paid will be only 115,000 I.P. (about \$12,000). For comparison's sake, in the area of Tel Aviv such a cottage can cost from 500,000 to 1,000,000 I.P., with all the housing loans tied to inflation, and with a much higher proportion of the sum to be paid at once.

The cheapest apartment in Yamit, of 3 rooms and of 82 square meters, in a house of three stories high, costs 175,000 I.P., of which the same total sum of 155,000 I.P. can be obtained in the form of government loans or grants. This leaves a sum of 20,000 I.P. (\$1900 approximately) for the settler to pay for receiving such an apartment as his absolute property.

Another example can be given about the prices of apartments in Kiryat Arba on the West Bank. The figures come from an article by Shimshon Ehrlich in Ha'aretz of September 16, 1977, and they are given by official Israeli sources. Mr. Ehrlich notes that the prices of the apartments in Kiryat Arba have not changed "for a long time", in spite of the Israeli inflation which affects the prices of everything inside Israel. An apartment with four rooms, of 96 square meters, is being sold for the price of 180,000 I.P., in Kiryat Arba, and one with three rooms of 86 square meters for 160,000 I.P. A government loan of 100,000 I.P. and a grant of 35,000 I.P. are available, so that one can buy an apartment for the sum of 25,000 I.P. (some \$2,300). In spite of this and of the excellent conditions under which the settlers are required to repay the loans, most of the settlers have obtained another and better concession: They are not required to buy their apartments at all, but they are renting them for the maximum sum of 300 I.P. (about \$28) a month, which is probably a third of the rent for a similar apartment in Tel Aviv.

In spite of such material incentives, the number of apartments, cottages, and other housing built by the Israeli government remains greater than the number of settlers. In order to solve this "problem" two of the officials of the Israeli government in charge of Kiryat Arba, Mr. Mayevsky, the director of the administration, and Mr. Shtrasberg, who is in charge of absorption there, have proposed that the Israeli government should cease all government building of houses, or governmental help for housing in "the center of Israel" (meaning around Tel Aviv) in order to force people to settle in the occupied territories whether they want to or not (Ha'aretz, September 16). In my opinion something or the other of this kind will probably be attempted soon.

5. THE SETTLEMENTS AS THE CENTERS OF EXPLOITATION AND CHILD LABOR

The most shocking area of child labor, and general exploitation of workers under conditions resembling slavery, is the north-western Sinai area (on Egyptian territory) called the "Rafah Approaches", and in Hebrew "Pithat Rafi'ah". There, as I can testify from the evidence of my own eyes, and as confirmed by

many Israelis and others, children, sometimes as young as 7 or 8 years old, are employed habitually by the Jewish settlers of this area, who have become very rich indeed in the short span of about three years. The "official" wage of an adult worker is given by the regional settlements-council "Eshkol", which comprises both the settlements in this area and settlements inside Israel, as "12.5 I.P. per hour of labor, 5 I.P. per hour of Arab labor." Of course Arab children are paid much less than this, and some of the payments, both for the children and for the adults, are made in kind, by "unloading" on them the most rotten produce of the fields in which they work instead of monetary payment! The people who are treated so are Egyptian citizens who were expelled from the places where they lived for supposed "security" reasons, but who are allowed, indeed encouraged, to work on their old lands under the conditions of more-than-feudal bondage to the settlers. Whole families, including children, are enslaved to a particular settler, and are working for him under the most atrocious conditions.

Although the conditions in this area are particularly horrible, the difference in the wages between Israeli citizens (including of course the Jewish settlers in the occupied territories) and the native inhabitants of the territories is both intentional and general. For example, Mr. Mayevsky, the official in charge of Kiryat Arba, referred to in the former section, explained that "a textile plant, which was built on the basis of a wage of 5 to 5.5 I.P. per hour was built from its beginning for employing Arabs (my emphasis) because Jews will not agree to work for such a wage." In my opinion many similar plants or settlements were built with the help and encouragement of the Israeli government in order to exploit the labor of the inhabitants of the occupied territories under conditions of near-slavery, and of course without any possibility of the formation of trade unions of any kind.

6. SUMMARY

The Israeli settlements in the occupied territories constitute by their very existence a violation of the most basic human rights and of international law. Their purpose is expansion and the permanent subjugation of the population of those territories. They are a source of discrimination, racism, and oppression. In the interest of all the parties to the conflict, including the best interests of the Israeli citizens, those settlements should go, and be abolished as soon as possible. Otherwise, in addition to being a source of corruption to all, they will also become one of the main causes of the next war in the Middle East.

Senator ABOUREZK. Thank you very much.

I am fully aware that you don't like to trade on your background as a means of establishing yourself as a spokesman for your point of view but I think it is necessary to put it on the record.

Would you tell the committee something about your background?

Dr. SHAHAK. I was born in Warsaw, Poland, in 1933. I spent World War II under Hitler's occupation. I have arrived in Palestine in 1945 and I am from that time a permanent resident first of Palestine and then a citizen of the State of Israel. I almost always lived there as a part of two periods of postdoctorate or sabbatical research.

Senator ABOUREZK. I know that you have come to the United States before. In fact, I met you 3 or 4 years ago. I can't recall the exact date, but perhaps you can. I think I mentioned at the time that the way you spoke out against the continued expansion of Israel must have caused you great difficulty in Israel. You said at the time that it caused you less difficulty there than it did here in the United States. I wonder if that is still true.

Dr. SHAHAK. Even more true. I am happy to say that for the last 21½ years or more there has been no difficulty whatsoever in the State of Israel. The difficulties from the United States continue, but I will bear them.

Senator ABOUREZK. What exactly happens when you come to the United States to speak your opinion here?

Dr. SHAHAK. Very simple. If I am sponsored by a church group, then usually all the Jewish organizations in a given city are putting pressure on this church group to revoke my sponsorship even at the last moment.

Also, anonymous literature is circulated against me. It is full of lies. There are no dates and addresses given.

Those examples should suffice. They are political and general. I will not talk about American individuals and so on. They have their rights to express their opinions even if those are abusive opinions.

Senator ABOUREZK. Do you find yourself subject to harassment when you are speaking around the United States on this issue?

Dr. SHAHAK. Very much so.

Senator ABOUREZK. What kind of harassment and by whom?

Dr. SHAHAK. I do not know by whom. I do not employ an apparatus of spies who can find who those people are, but I would say this: Those people who I have identified are coming from the special organizations and the chief organization which is employed in harassing me is B'nai B'rith and the so-called Anti-Defamation League.

Senator ABOUREZK. The B'nai B'rith Anti-Defamation League?

Dr. SHAHAK. Yes.

Senator ABOUREZK. Do you know of any other groups or individuals who might be a party to the harassment of you as you go around and speak?

Dr. SHAHAK. No.

Senator ABOUREZK. I would like to direct your attention to this map. [Map shown.]

We have gotten this map from the State Department. As I understand it those are the existing settlements which have been established in the West Bank to this date.

I wonder if you have personally been to any of those settlements.

Dr. SHAHAK. I can say firmly that those are the settlements established until around the first of August. Meanwhile there have been others. I think I have visited every settlement shown here with the exception of Nahal Rehan and I visited most of them more than one time.

Senator ABOUREZK. I wonder if you would describe the political setup in the settlements and give us a description of what goes on when a settlement is established—like its physical and political characteristics.

Dr. SHAHAK. A settlement is usually first established as a military settlement and then you can inspect it from the outside and you cannot enter.

When it becomes a civilian settlement you can enter very easily and very freely. Some of the settlements are agricultural especially those that are near the Jordan River. Some others sometimes employ some industry. I must say that most of the industry there that I inspected are part of one town Ma'ale Adumim called also Mishor Adumim near Jerusalem. To give you one example, in a kibbutz called Na'aran the industry appears to be carpentry, mechanical carpentry, but they do not make finished products. It is a subbranch of another rich kibbutz Giv'at Brenner in Israel which sends wood there to be cut into logs. Then the wood is going back to the coast of the Mediterranean. This appears to me to be a ridiculously wasteful economic procedure.

In another place a kibbutz called Mehota, the industry described to me and as I have seen it is making locks. Since it is on the top of the mountains it was very hard to make a road leading there and to see what they can do there. I quite question those locks.

To give the most ridiculous example, Ofra has one of its main industries, T-shirts, on which is written in English "Samaria is the Heart of the Land of Israel."

I would say generally speaking that apart of Ma'ale Adumim and apart of Elazar south of Jerusalem—I did not see or hear of any serious industry.

I have seen serious agriculture in all areas of the Jordan Valley. I especially want to mention Patsaiel which is very successful agriculturally and all the settlements which are near to it, Massua and the others.

Senator ABOUREZK. Is there any kind of a policy on the establishment of the location of the settlement or is it just done by the settlers themselves?

Dr. SHAHAK. Oh, no. It is done by the Government. I do not believe apart from Kadum that any settlement was established by settlers themselves. There is also evidence as of now of an interview of General Sharon of September 9 that there is complete understanding between the settlers and the Government.

The location of the existing settlements shown on the map as of the beginning of August shows in the northern West Bank two lines and you can see also a line which is the continuation of one of the lines towards the western bank of the Dead Sea.

Senator ABOUREZK. Why would the settlements be established in a line?

Dr. SHAHAK. This is the Allon plan and now the Sharon plan which is intended to cut off a third of the so-called Samaria in order to leave only the western part as whatever it should have been left for.

But by now, according to a map which is adjoined to the Sharon plan, the new settlements which are not shown on this map are cutting the West Bank into squares and are entering into the areas which on this map up here are more or less white and are dividing the population of the West Bank into areas which should not have, according to Sharon, more than 100,000 inhabitants in a given area. This is the process of ghettoization which in my opinion shows the intention not only of permanent occupation but of permanent ghettoization, of keeping the population in permanent subjection by keeping them in squares whose lines will be the divisions of the settlements. This is not shown on this map.

Senator ABOUREZK. The proposed settlements are not shown on this map?

Dr. SHAHAK. The planned settlements and the settlements established in the last month are not shown on the map. This map is according to New York Times and Israeli sources. There were established in the last month, according to my count, 14 settlements at least, all of whom are not shown on this map.

Senator ABOUREZK. Can you use a pencil and point out where those 14 new settlements are going to go?

Dr. SHAHAK. No: because since they were established when I was not in Israel—and I have been here for a month and I could not inspect them personally. As I told you, all of those shown here with

the exception of one were inspected personally by me. I can show the lines of the settlements because I have seen a map of them published in the Hebrew press.

Senator ABOUREZK. Yes; if you would do that we would appreciate it. This map was actually drawn up by the CIA. Apparently the New York Times is ahead of the CIA. [Laughter.]

Dr. SHAHAK. What I am referring to is Israeli television. I have seen this map. [Laughter.]

There should be two lines of settlements going here [indicating] north to south, and three lines going east to west [indicating].

Senator ABOUREZK. So Israel is making a grid system?

Dr. SHAHAK. Exactly, and what will be between the lines is called "squares"—again, two lines going so and three lines going horizontally. And, in addition, cutting off the widening of Jerusalem and some settlements in the southern part here [indicating].

I will submit the map in evidence.

Senator ABOUREZK. Do you have the map with you?

Dr. SHAHAK. I have the map with me.

Senator ABOUREZK. I would like to have it put in the record.

Dr. SHAHAK. I have the map with me. It is in Hebrew but I have put an English translation of the names and I will submit it.

Senator ABOUREZK. At this time also we will put in the record a list of already existing settlements by name, date established, affiliation, and the estimated population of each of these settlements.

[The map and material referred to follow:]

UNSETTLED AREAS

A close look at the "Sharon plan" reveals that one of its basic tendencies is to avoid penetrating areas with existing Arab population, and establish settlements in areas, which are hardly populated. The planners consider the "Sharon plan" to be the practical answer to the present security problems, considering the Arab population on the one hand, and the Jewish population on the other, are situated on both sides of the green line.

The "Sharon plan", which requires settling thousands of Jews in urban and agricultural centers in order to realize it, is being processed at the moment by planning teams under the instructions of the minister.

The "Sharon plan", as it has become known as, is supposed to answer security needs, and concentrates on solving three main problems:

1. Thickening the area of Jewish settlements in the Jerusalem-corridor.
2. Establishing a complex of settlements in the area stretching west to the line of Genin, Nablus and Ramallah.
3. Planning a network of roads, at the center of Israel, from the sea in the west to the Jordan valley in the east.

WARNING FROM RETREAT FROM THE GOLAN HEIGHTS

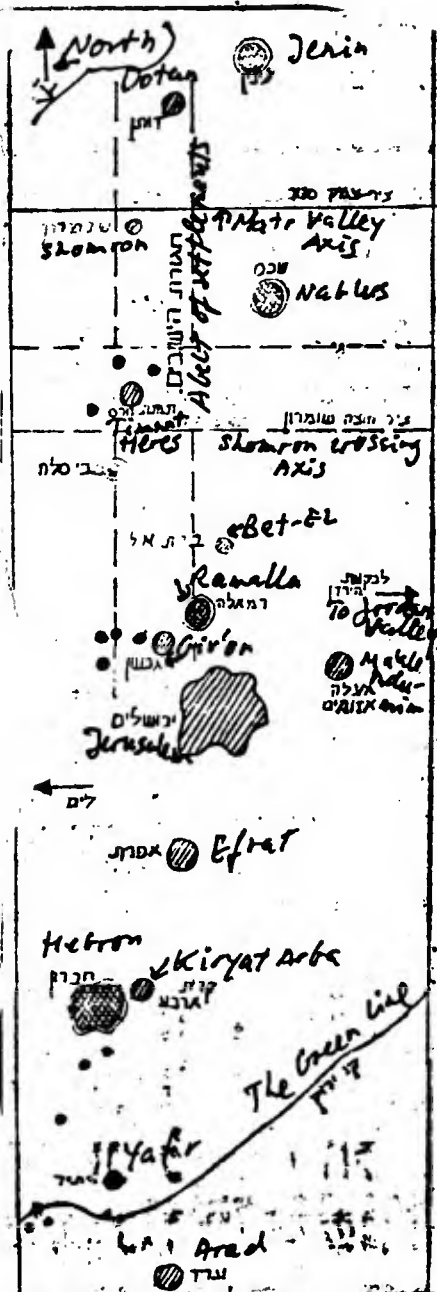
(Reported by Menahem Rahat)

At a gathering at Merom Golan to mark ten years of settlement on the Golan Heights, the Minister of Agriculture, Ariel Sharon, said yesterday among other things, that "the Syrian take-over of Lebanon, with American support, caused a total change—to the the worse—in our situation in the north."

"There are talks lately of territorial compromise, but from this stage I warn from any retreat from the Golan Heights. There is nowhere to retreat from on the Golan Heights."

"Israel must take on herself a task, to be realized in 20 years; to settle 2 million Jews in the area alongside the coastal plain, from the Golan Heights in the north to Ofira in the south. This settlement will be both urban and agricultural, and the settlers on the Golan Heights are the northern and most important link in this plan."

(The speech of the Chief of general staff at the same gathering has been omitted.)



Planned urban centers → ●

Planned villages → ○

Scale: 150,000

ISRAELI SETTLEMENTS ON THE WEST BANK

Name	Date established	Affiliation	Estimated population
1. Kfar Etzion.....	September 1967	NRP.....	1,000
2. Mehola.....	February 1968	NRP.....	90
3. Kallia.....	do.	Labor.....	120
4. Kiryat Arba.....	April 1968	Gush Emunim.....	1,500
5. Argaman.....	November 1968	Herut.....	90
6. Allon Shevut.....	July 1969	NRP.....	(1)
7. Rosh Tzurim.....	do.	NRP.....	(1)
8. Gilgal.....	January 1970	Labor.....	240
9. Massua.....	do.	NRP.....	80
10. Mevo Horon.....	do.	Poalei Agudat Israel.....	120
11. Mitzpe Shalem.....	December 1970	Labor.....	40
12. Yitav (Na'aran).....	do.	do.	30
13. Patzael.....	do.	do.	160
14. Attarot (Namra).....	May 1971	Histadrut.....	90
15. Bekaot.....	July 1972	do.	80
16. Ma'ale Ephraim.....	do.	Labor.....	100
17. Gitit.....	August 1972	Herut.....	100
18. Menora.....	December 1972	Labor.....	90
19. Ma'ale Adumin.....	March 1975	Gush Emunim.....	130
20. Ofra.....	May 1975	do.	100
21. Tekoa.....	June 1975	NRP.....	40
22. Elazar.....	October 1975	NRP.....	90
23. Kochav Hashahar.....	June 1975	Labor.....	40
24. Elon Moreh (Qadum).....	December 1975	Gush Emunim.....	200
25. Roi.....	March 1976	Labor.....	40
26. Mevo Shilo.....	November 1976	Labor.....	50
27. Netiv Hagdud.....	1976	do.	40
28. Mivsam.....	1976	do.	30
29. Almog.....	January 1977	do.	30
30. Rimonim.....	March 1977	do.	30
31. Pe'erim (Mesha).....	May 1977	Gush Emunim.....	60
32. Shayelet.....	1977	do.	30
33. Nahal Reyhan.....	1977	do.	60
34. Tomer ²
35. Migdal Oz ²
36. Jiftlik ²
37. Tzur Natan II ²	} Approved by the government of Prime Minister Begin.		
38. Horon Gimmel ²			
39. Yattir ²			

¹ Included in figure for Kfar Etzion (No. 1).

² Settlements currently under construction.

NEW SETTLEMENTS PLANNED OR PROPOSED FOR THE WEST BANK

Name	Location	Status
Givon.....	North of Jerusalem.....	Proposed by Labor Housing Ministry and by Gush Emunim.
Karna'im.....	West of Nablus.....	Gush Emunim.
Unknown.....	Near Jericho.....	Do.
Nabi Saleh.....	Northwest of Ramallah.....	Do.
Dothan.....	Near Jerin.....	Do.
Shomron.....	Near Sebastia.....	Do.
Beit El.....	Near Ramallah.....	Do.
Tirza.....	Nablus-Damya Road.....	Do.
Haris.....	East of Pe'erim.....	Do.
Shilo.....	North of Ramallah.....	Do.

ISRAELI SETTLEMENTS ON THE GOLAN HEIGHTS

Name	Date established	Affiliation	Estimated population
1. Merom Golan	July 1967	Labor	700
2. Snir	September 1967	Mapam	90
3. Afik	December 1967	Labor	90
4. Mevo Hamma	January 1968	do	150
5. Eliad	do	do	150
6. Ein Zivan	do	do	350
7. Givat Yoav	March 1968	do	180
8. Geshur	April 1968	Mapam	80
9. Ramat Magshimim	July 1968	NRP	90
10. Neot Golan	September 1968	Independent Liberal	180
11. Neve Ativ	April 1969	do	150
12. Remot	May 1969	Labor	150
13. Khisfit	May 1971	NRPP	200
14. Bne Yehuda	September 1971	Labor	420
15. El Rom	July 1971	do	250
16. Nov	July 1972	NRP	150
17. Kefar Haruv	May 1973	Labor	180
18. Gamla (Mordol)	1973	do	50
19. Keshet	May 1974	NRP	300
20. Har Odem (Sion)	December 1975	Independent Liberal	100
21. Shaal	do	Herut	50
22. Tannuriya (Yonathan)	do	NRP	50
23. Aniam			
24. Avne Etan			
25. Katzrin			

Settlements currently under construction.

ISRAELI SETTLEMENTS IN THE GAZA STRIP AND SINAI PENINSULA

Name	Date established	Affiliation	Estimated population
1. Ofira	1967		150
2. Nahal Sinai	December 1967	Herut	40
3. Dikla	June 1969	do	80
4. Kefar Darom	October 1970	NRP	40
5. Sadot	January 1971	Labor	260
6. Dizahav	September 1971	Independent Liberal	80
7. Neviot	do	Labor	150
8. Nahal Morag	June 1972	do	50
9. Netrazim	November 1972	Herut	50
10. Netzer Hazani (Katif)	May 1973	NRP	50
11. Yamit	1973		1,000
12. Netiv Ha'Asara	July 1973	Labor	150
13. Ogda	August 1974	do	140
14. Sufa (Sukkot)	do	do	30
15. Nahal Haruvit (Tarsag)	December 1975	Herut	40
16. Hclit	July 1977	Labor	50
17. Absalom			
18. Nir Avraham ¹			
19. Talmel Josef ¹			

¹ Currently under construction.

EXPLANATORY NOTES

GENERAL

Precise data concerning settlements is invariably very difficult to obtain. Plans, both long and short-term, are prepared by a variety of organizations and often find their way into the public domain with something less than complete accuracy. In addition, Israeli political factions with a stake in the establishment of settlements often use leaks to the press in an effort to force the hand of the government. Such leaks, often dealing prematurely with the approval or establishment of a new settlement or with the expansion of an existing one, are easily confused with factual reports of decisions taken by the only official body authorized to commit the government. That body is the Interministerial Committee on Settlements, whose chairman since the Begin government assumed office has been retired Major General Ariel Sharon, Minister of Agriculture.

NAMES OF SETTLEMENTS

The names of settlements often go through several changes between the approval of the settlement and its "permanent" construction. This is usually because the initial planning organization makes reference only to a geographic location or utilizes an Arabic place-name; the settlers themselves then opt for a different name, often based on the site's biblical antecedent.

DATE OF ESTABLISHMENT

There are usually three important dates in the life of a settlement: first, its date of official approval; second, the commencement of the physical preparation of a site or the movement of initial settlers into pre-existing buildings; and third, the transfer of the settlement to a different and permanent location, which occurs frequently, but not always. The date shown in the preceding tables is the second, the date on which resources are actually committed to the enterprise.

AFFILIATION

No settlement is completely independent; most are affiliated with a settlement organization which, in turn, is linked with one or another political party or faction. The settlement depends to a large degree on its parent organization for infusion of human, financial and material resources.

The most successful economically of the settlements are those affiliated with the three large kibbutz federations belonging to the two old-line factions of the Labor Party or to the more left-of-center Mapam Party; their experience in establishing successful agricultural settlements predates the establishment of the State of Israel. Although the federations associated with the Labor Party factions (Mapai and Ahdut HaAvodah) cooperate fully today and would agree on most political matters, their continued separate existence reflects the depth of their political differences during the early days of the state. The kibbutz federation affiliated with Mapam has for ideological reasons not participated extensively in settlements in the occupied territories, limiting itself to two kibbutzim in the Golan.

The two major elements in the current government coalition—the Herut Party and the National Religious Party (NRP)—are relative newcomers to the settlement field. These two parties have become, nevertheless, the primary exponents of the policy of unrestricted Jewish settlement in the occupied territories, particularly the West Bank. The only group showing more zeal for settlement is the orthodox religious, ultra-nationalistic Gush Emunim, which maintains links with the activist Youth Wing of the NRP.

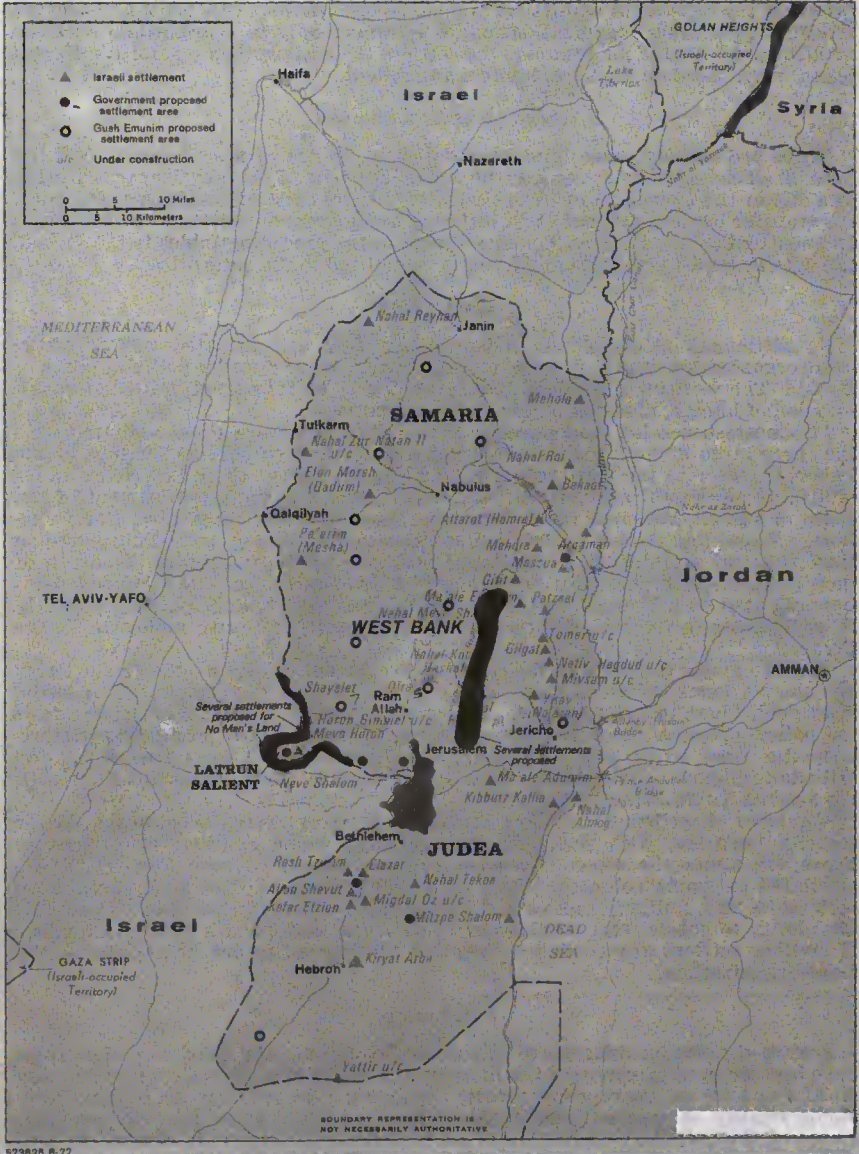
A number of settlements, known as nahals, have been established primarily for security purposes, with economic self-sufficiency being a minor consideration. These are under the direct supervision of the Israeli Defense Forces and are populated by young volunteers, both male and female, who are given training in both small-unit military tactics and agriculture. When such settlements exhibit the ability to subsist economically by themselves, and when a sufficient number of civilian settlers are available, they are transferred to one or another settlement organization.

POPULATION

Precise population figures are impossible to obtain. The figures in the tables have been derived by counting the individual housing units in each settlement and multiplying by an appropriate factor, depending primarily on the age and economic vitality of each settlement. These figures are therefore more accurately a gauge of the potential population of each settlement, since it is difficult to estimate at any given time the number of housing units unoccupied.

Israeli Settlements on the West Bank

Map B

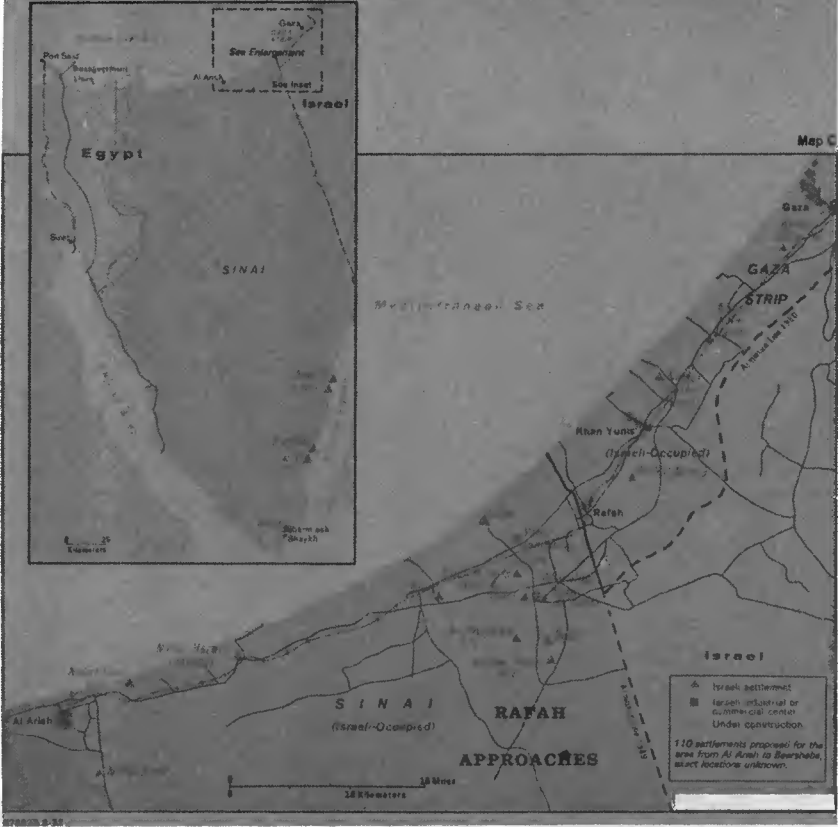


Israeli Settlements on the Golan Heights

Map A



Israeli Settlements in the Gaza Strip and Sinai



Senator ABOUREZK. The list is for all the occupied territories not only the West Bank.

So it is your view that the Government establishes the location of the settlement and in fact decides whether or not the settlement should be established; is that correct?

Dr. SHAHAK. Yes. That is definitely so. I think that this can be taken as a fact.

Senator ABOUREZK. Do you have an opinion as to why the Israeli Government is establishing settlements in what are clearly occupied territories?

Dr. SHAHAK. Well, I think that by now with this Government there cannot be the slightest reason to doubt the intention. One of the articles from the Jerusalem Post, which I can also submit in evidence, is actually called "A Vision of Israel at Century's End." This article describes the settlements.

I think the intention of this Government is, insofar as the West Bank and Gaza and Golan and part of Sinai is concerned, is to keep all of those territories as a permanent colony of the State of Israel—not part of the state but as a colony because people there would not be given rights. I think that the settlements are established in order to achieve a colonial rule which will be easy to keep. We will keep the people there in a state of perpetual submission.

It is for this reason that in the article which I have submitted with the map it is stated that one of the reasons for establishing the new settlements in special places is to prevent Arab continuity. If there is a block, as it said in one of the articles, of Arabs of 100,000 people and nearby another block of another similar number of people, then a line of settlements will be established between them to prevent the continuity of the people.

I think that very many colonial regimes behave like this only they usually had fortresses instead of settlements. The settlements by now, and under this Government, only make sense if you assume that this is to hold the land around them in perpetuity.

Senator ABOUREZK. So, you believe that the Government of Israel wants to hold the West Bank in perpetuity?

Dr. SHAHAK. And the Gaza Strip and the settled part of Sinai and Golan.

Senator ABOUREZK. Is it your opinion that the Israeli Government has no intention of negotiating the return of those territories?

Dr. SHAHAK. I am absolutely sure about the West Bank and the Gaza. There are many statements to this effect. As for Golan, I am willing to submit a statement of General Sharon speaking in the name of Prime Minister Begin on September 9. It makes a very strong statement on September 9 of this year. I can also say that on general evidence, that this unwillingness to return territories with settlements includes the Israeli Labor Party and the other major parties of Israel who consider that the settlements once founded will remain a part of the State of Israel. This is the opinion of the three major parties of Israel—Likud, the Democratic Party for Change, and the Labor Party.

Senator ABOUREZK. You believe they are all in agreement on that policy?

Dr. SHAHAK. On that policy, yes. They are not in agreement about plans for further settlements but they are agreed that settlements once founded will remain as part of the area of the State of Israel. Insofar as the Labor Party is concerned, their past minister in charge of settlements, Mr. Galizi, has expressed himself with great clarity on the subject.

Senator ABOUREZK. Dr. Shahak, I wonder if you know or if you would be able to give the committee an idea of the rights which are provided and denied the Palestinian Arabs who live on the West Bank under that occupation.

Dr. SHAHAK. Yes. I will do it with greatest pleasure because I have dealt with this subject for a very long time.

The first thing that I want to emphasize is the complete absence of basic democratic rights, the rights that are called in this country "grassroot democratic rights." I'm not speaking about national rights. I am speaking about the rights of having a public meeting, a right of establishing cultural clubs, let's say, for studying poetry or for studying any part of any culture.

I am speaking here about the right of peaceful and nonviolent demonstrations, the right of having a Palestinian flag in one's possession, the rights to form paid unions—

Senator ABOUREZK. A Palestinian flag?

Dr. SHAHAK. To have a Palestinian flag in one's possession is a crime and not only this, it is also a crime to put colors of Palestinian flags on one's tee shirt even if one is only a boy. Children have been very cruelly punished and required to post a bond for good behavior for putting the colors of Palestinian flags on their tee shirts. I have testified about this many times.

Included in this is the right of peaceful and nonviolent demonstration. I will quote the right of closing shops as a protest or as a sign of mourning. I believe there cannot be any more peaceful demonstration than closing shops. This is forbidden and the shopkeepers are very cruelly punished for this "crime." They can be also arbitrarily punished in addition.

To this I want to add what is included in any state—and by the way also in the State of Israel on behalf of its citizens—the right of not being deported.

Any inhabitant of conquered territory including those in Jerusalem can be deported, can be taken from his home at night and without any legal procedure whatsoever can be put across the border. I do believe, and as a matter of fact I can quote a supreme judge of the Israeli court, Mr. Haim Cohen, who said but was helpless when saying it that exile is the most horrible punishment because that was the punishment inflicted upon Cain.

Nevertheless, the military government has the right to inflict this punishment arbitrarily and the men deported will never be allowed to come back.

I would like to give you one single example of a man who was my personal friend for several years in Jerusalem. Mr. Ali Khatib who was the editor of the Arab paper, Ashab. In early 1975 I heard about his deportation in the following manner: After opening my radio in the morning to hear the news, I hear that Ali Khatib was deported.

He left behind him a wife and seven children. I do offer this fact for the benefit of those who are fighting in this country and rightly so, for the right of the unification of families. The family of Ali Khatib lives in Jerusalem and it can be reunified only out of its own homeland. I especially use this expression. It cannot be reunified in its own homeland even if you take only the town of Jerusalem as the homeland of the family of Ali Khatib because no one of those who has been deported, and without any legal procedure whatsoever, is ever allowed to come back.

I have demanded many times and before many forums that people deported from conquered territories should be allowed to come back and to be reunified with their families. I have talked in vain.

The last thing I want to mention is a question of administrative imprisonment. You have imprisonment inflicted now on two of the perhaps, in my opinion, greatest leaders of Palestinians of the West Bank, Dr. Tayssir Aruri, teacher of physics in Birzeit College, and Mr. Atallah Rashmawi, who endured 41 months of the administrative imprisonment and the second was elected to the municipality of Beit Sahur. I want to refer to the last fact because of its significance. Many mayors of the West Bank have been deported while in office and candidates have been deported or imprisoned without trial. I should say that every human being in the conquered territories knows that he can be imprisoned without trial, that he can be deported, that he can be arbitrarily punished and this is the greatest violation of human rights. It places all those people—more than a million people—in a state which I am not ashamed to call “servitude,” or “slavery.” They have no guarantee whatsoever for any sort of personal security.

If a man can live in the city and be the next day forever expelled, this is slavery or servitude. This is what is described in the literature about slavery in America and about black slaves being sold “down the river,” to use an expression from Uncle Tom’s Cabin.

Senator **ABOUREZK**. Are you familiar, Dr. Shahak, with the supply of water in the West Bank in any way or form? Is it your view that there is adequate water or a shortage of water?

Dr. **SHAHAK**. I am aware of certain areas about which I can testify—the town and neighborhood of Ramallah and the Jordan Valley. However, apart from those two areas I did not make any particular research. About those two areas I am willing to testify.

Senator **ABOUREZK**. Generally, do you know if the settlements being established are hooking into the water table or water supply systems? Does this create a shortage of water for the existing residents of the West Bank?

Dr. **SHAHAK**. In the Jordan Valley, definitely so.

In the other areas I did not see great signs of it. Also in other areas the settlements are not agricultural to any great extent. I did not see them taking very much water.

In the Jordan area, definitely so.

However, I would like to say something about Ramallah. I know the situation very well there. The same thing, in my opinion, happens in other cities.

As a means of pressuring towns like Romallah to join themselves into water systems of the State of Israel, permits for water pumps or

extra water pumps are either not being given or being delayed by the military governor.

I should explain that everything in the conquered territories needs a permit. A city cannot buy a water pump without having the permission from the military governor. I should say that a municipality cannot hire additional janitors without this permission.

It is my definite impression that the towns which are being pressured to be joined to the water system or to the electricity system of Israel are not given permits for water pumps or machines for electricity or for spare parts for those machines or pumps in order to compel them to join the electricity and water system in Israel.

I also can add to this what happened in the town of Hebron which was compelled, more or less, by the system to join the electricity and water system of Israel. The main connections of electricity and water to Hebron are now situated in the settlement Kiryat Arba so that anybody who sits in Kiryat Arba can at the moment close the electricity and water of Hebron. I believe this is the aim of the pressure.

Senator ABOUREZK. Do you believe that part of this pressure is designed by the Israeli Government to discourage the Palestinian Arabs from staying in the West Bank so that they will leave; would that be their objective?

Dr. SHAHAK. If you speak about the intellectual and the middle class, yes. If you speak about ordinary workers, no, because by now there is a great number of Palestinian workers in territories working inside Israel. According to an interview of the commander of the Tel Aviv policy, Mr. Tiomkin, given on September 9 of this year in Ha'aretz newspaper—in Tel Aviv alone there are 70,000 workers from the territories. This means that in all area of Israel, in my opinion, there would be something like up to 200,000. Therefore, while intellectuals are pressured directly or indirectly to leave—directly by being imprisoned or deported, and indirectly by the economy being impoverished and not having any jobs for them to live—I think that by now the State of Israel is quite interested that the ordinary people will remain and will work in the Israeli economy.

Senator ABOUREZK. But Israel doesn't want Palestinian political leaders remaining on the West Bank; is that correct?

Dr. SHAHAK. Yes. Any political leaders of independence. I should say that by now the State of Israel is creating something which can be described as a class of quislings.

I will give one example. We have Abd El-Nur Ganmo. This man assassinated another man in the town of Ramallah. His case was then taken from the civil court into military court. The military court found him acting in self-defense. This is a man who got enormously rich because he was given monopoly of cooking gas from Israeli sources to inhabitants of the district of Ramallah.

Other examples can be given in other territories. I believe that especially now the Israeli Government is creating a class of quislings which should not be confused by any means with the previous notables of King Hussein. These last, are newly made men. In many cases they are criminals, as I have said, and it is the aim, like in many other atrocious colonial regimes, to make of those people leaders. If you want examples Angola and Mozambique would be good examples. I

think that you know that in Soweto there is a strong attempt to take criminal elements and to make them leaders of Soweto.

The same attempt is being made in the West Bank and in the Gaza Strip now.

Senator ABOUREZK. You spoke briefly about the child labor violations that you thought were occurring in the West Bank. I wonder if you would elaborate a little bit on that?

Dr. SHAHAK. Not in the West Bank. The main area of child labor exploitation is in the Egyptian territory in Sinai, northwestern Sinai around the town of Yamit, one of the settlements.

The second area of exploitation of child labor from conquered territories is, as a matter of fact, in the State of Israel itself, in Israeli villages in the south area of Israel between Bersheba and Rehovor, especially in the area called the Lachish area. Very many cases were quoted in the Israeli press. Many cases were recorded by me.

In this area you have first of all child labor and, second, you have feudal subjection of whole families who are living usually under a tree or in a cabin. When I say in a cabin I'm not quoting "Uncle Tom's Cabin" in vain because I have seen those cabins and the pictures are like the pictures of this book. They are in a state of such feudal subjection to the particular farmer that it happened very often that when a boy escapes, let's say from such slavery, then the farmer or the son of the farmer—and there was one example in which a farmer's son pursued an escaping boy and found him working for another farmer and beat them to death. I can give this to you from the Israeli press. I also investigated it myself.

The servitude of the children usually coming from the Gaza Strip in northern Sinai and in this area and similar areas north of Israel is one of the really horrid phenomena which I can say is a crime, crying to God for vengeance. So I must say to you that I am really afraid about my own people and those who help them in oppressing others for those 10 years and helping in this child exploitation.

Senator ABOUREZK. I have one final question for you.

You have said that there is deportation without trial or hearing and that there is imprisonment without trial or hearing. Are the residents of the occupied territories, the Palestinian Arabs, accorded any of the standard rights, legal rights, or human rights that Israeli citizens or people of the United States are accorded?

Dr. SHAHAK. I think not. Israeli citizens cannot be deported. By custom and not by law Israeli citizens for 5 full years are not imprisoned without trial and although the law exists but it is now never invoked.

And I would say that the most important fact is in which they are not accorded basic rights is that they cannot exercise any form of basic democratic protest by formation of parties, associations, trade union, cultural clubs, and so on. This, in my opinion, after 10 years constitutes the most important grievance.

Permit me also to conclude by saying that if General MacArthur after conquering Japan in 1945 would have denied to Japanese people for more than 10 years such rights instead of allowing establishment of democracy rather rapidly step by step, you would not have now a Japanese State which is as friendly to the United States as it is now.

You would have something very much worse, worse both for the Japanese people and for the United States. It is this very fact that I can invoke the regime of MacArthur as the example of democracy which should be followed at least for some the first steps and after 10 years which shows the situation of the people there.

Senator ABOUREZK. Dr. Shahak, I want to express my personal thanks to you and that of my committee for what I consider to be a very courageous act. I happen to know how it feels to speak from a minority point of view. As I understand it, that is the position which you hold—one of a minority in Israel. I think you have served the cause of human rights and the cause of justice very well in what you have done and what you continue to do. I hope you will be able to continue to speak out.

On behalf of the committee I want to thank you very much for your tremendous contribution which you have made in your testimony here today.

Dr. SHAHAK. Thank you.

Senator ABOUREZK. Our next witness is Mr. Yehuda Zvi Blum, professor of international law at Hebrew University.

I should make clear at this time that the committee notified the Embassy of Israel to ask if it wanted to be represented at these hearings. The Embassy suggested Dr. Blum's testimony but their position is that he is not officially representing the Israeli Government.

Maybe you can explain who you are representing and please give your background as well.

TESTIMONY OF YEHUDA ZVI BLUM, PROFESSOR OF INTERNATIONAL LAW, HEBREW UNIVERSITY

Mr. BLUM. Thank you very much, Mr. Chairman. I am indeed grateful to you for this point of clarification. I happen to be on university business in this country at this point of time. It has been suggested to me by our embassy that since the judicial status of the settlements in Judea and Samaria has come up before this distinguished committee and since this is a question I have examined in some detail in the past years, I might wish to testify before this committee.

May I start by expressing to you, Mr. Chairman, my appreciation for having given me this opportunity to present to you my views on this matter, to which, as I have said, I have given considerable attention over the past 10 years or so.

Since you have asked me also to give you briefly my credentials may I say that I am a professor of international law at the Hebrew University of Jerusalem and also director of the Harry Sacher Institute for Legislative Research and Comparative Law at the Hebrew University.

I do not like to trade on my own background, but since this seems to be the proper practice here, as I have gathered from your question to the previous speaker, may I just briefly say that I was born in Czechoslovakia. I was detained by the Germans in the Bergen-Belsen concentration camp in 1944. Subsequently I was a refugee in Switzerland in 1945 and came to Palestine as it then was in the same year of 1945. I have been a resident and citizen of Israel ever since its inception.

I have resided permanently in Israel since 1948 and except for a number of trips abroad for study and teaching purposes.

Senator ABOUREZK. Mr. Blum, it is my understanding that you were in the same prison camp at the same time in Germany that Dr. Shahak was; is that right?

Mr. BLUM. This is correct. I did not know Dr. Shahak at the time because he belonged to what was called the Polish camp and I was in the Hungarian camp. We may have been 100 yards apart from one another without knowing each other at the time. I met Dr. Shahak subsequently in 1945 in Palestine. I have known him ever since.

May I devote this opening statement of mine to the question of the legality of Israeli settlements in Judea and Samaria as well as to the broader problem underlying this question—that is the status of Judea and Samaria under international law.

Mr. Chairman, I have had the benefit of reading the transcript of a statement made here at an earlier meeting by Mrs. Rita Hauser. I would like to associate myself with that passage of her statement in which Mrs. Hauser interpreted article 49 of the Fourth Geneva Red Cross Convention of 1949, assuming of course that the convention in question is indeed applicable to the problem here under consideration.

Let me briefly point out my point of view on this matter. The Red Cross Conference at which the Fourth Geneva Convention was adopted was convened only 4 years after the end of World War II when the events of that war were still fresh in the memory of the conference participants. Everyone at that time remembered the policies of Nazi Germany which strove methodically for the mass expulsion of population groups from their lands (as in Poland) and for the settlement of Germans in those areas in place of the original inhabitants.

Even the official Red Cross interpretation of article 49 clearly states that the purpose of the provision here under discussion, that is article 49, was to insure that such phenomenon of so-called colonization should not occur.

It is quite clear in my view that these circumstances have no bearing upon the establishment of Israeli settlements in Judea and Samaria if only for the simple reason that the establishment of these settlements does not entail the expulsion of the local population from its land and from its places of residence.

May I, therefore, briefly remind this committee of Mrs. Hauser's conclusions, with which I happen to concur, and which seem to be a correct description of the position of contemporary international law on this matter.

This is what Mrs. Hauser said: "An overall reading of article 49 as well as of the official ICRC commentary to it, make clear the reference to the type of deportations practiced by the Nazis in World War II. These were in the nature of mass transfers of people for forced labor or death camps. It can be argued that this article is intended only to preclude the transfer of the occupied population into the territory from which it has displaced the local population. The movement of the occupied population into unpopulated areas involving no local displacement is not then a violation of article 49.

"I believe that this is a reasonable interpretation of article 49." The Oppenheim-Lauterpacht Treaties which is one of the leading treaties in contemporary international law, supports this view.

She then quoted from the Oppenheim-Lauterpacht, volume II, seventh edition, page 452:

The occupying power must not deport or transfer part of its own civilian population into the territory occupied by him, a prohibition intended to cover cases of the occupant bringing in its nationals for the purpose of displacing the population of occupied territories.

I would reemphasize this: "for the purpose of displacing the population of the occupied territories."

So, I believe that even on the assumption that for some reason the Fourth Geneva Red Cross Convention were applicable to Israel's rights in Judea and Samaria, the establishment of Israeli settlements there would still not be in violation of the said article.

However, beyond this specific remark which refers to the correct interpretation of article 49, I believe a broader question is raised here which warrants further examination.

In my opinion, Israel cannot be regarded as an "occupying power" in Judea and Samaria, nor can those areas be viewed as occupied territory held by the State of Israel, not only as regards article 49 but in all matters relating to the Fourth Geneva Convention in general and even in all applications of international law of belligerent occupation in the broader sense.

The terms "occupying power" and "occupied territory" are technical terms with a very well-defined meaning in international law.

They refer to a situation in which, as the result of hostilities between two states, one of them seizes control of the territory which is under the sovereignty of the other. Such areas thus become occupied territories, and the state which controls them assumes the status of an occupying power together with all the rights and obligations which flow from this status.

However, actual sovereignty over such areas is not transferred by one state to another as the result of the change of physical control over them. The legitimate sovereign, as is the legal and technical term on this matter; that is, the state whose forces have been driven out of the occupied territory, retains its sovereignty over this territory even after its physical removal from it and the annexation of such territory by the occupant is absolutely prohibited.

The purpose of these rules of international law of belligerent occupation is to protect the rights of the sovereign from the occupant. Article 49 must also be understood as one of the rules intended to achieve this goal.

And yet, in all matters relating to Judea and Samaria, and the same argument applies also to the Gaza Strip, the circumstances envisioned by the Fourth Geneva Red Cross Convention do not exist because the situation here is not one in which a legitimate sovereign and an occupying power are confronting one another.

In order to understand this particular situation, we have of course to recall that during the mandate period, the period of the British mandate over Palestine, which ended in 1948, Judea, Samaria, and the Gaza Strip formed an integral part of the Palestine mandate. In the well-known resolution 181-(II) of November 29, 1947, the U.N. General Assembly recommended that the British mandate be terminated and that Palestine be partitioned into a Jewish State, an Arab State,

and the city of Jerusalem as a *corpus separatum*, the three regions to be linked by an economic and monetary union.

The Jewish agency, which represented the Jewish side in the deliberations concerning the future of Palestine, expressed at that time its readiness to accept the partition resolution as a compromise between conflicting national aspirations of Jews and Arabs.

This readiness on the Jewish part was forthcoming despite the fact that it would have involved a second and very considerable reduction in the size of the territory earmarked for Jewish rule as compared with the original Jewish national home of the Palestine mandate.

The original Palestine mandate, may I add here, comprised both Palestine and Transjordan, but under article 25 of the Palestine mandate Great Britain was empowered to postpone or withhold application of such provisions of the mandate as she might consider inapplicable to the existing local conditions in the territories lying between the Jordan and the eastern boundary of Palestine that is Transjordan.

Pursuant to this provision, Great Britain in 1921 decided, with the consent of the Council of the League of Nations, to exclude the territory of the Palestine mandate lying to the east of the Jordan River, which is Transjordan, from the application of the mandate provisions relative to the establishment of the Jewish national home.

As a result of that British decision, the territory earmarked for the Jewish national home was reduced to about one-fourth of its original size and that is western Palestine. Only slightly more than half of this remaining one-fourth which is about one-eighth of the original Palestine mandate would have become the Jewish state under the partition plan of the U.N. General Assembly.

No less painful for the Jewish side in 1947 was the fact that Jerusalem with its considerable Jewish majority—and Jerusalem has had an uninterrupted Jewish majority for at least the last 130 years—and with the unique place the Holy City has occupied in the hearts and minds of Jews for three millennia was to be excluded from the territory of the projected Jewish state and was to become an internationalized territory. It was to become an enclave within the contemplated Arab State.

However, all these concessions of the Jewish side were made conditional on the reciprocal acceptance of the partition package deal by the Arabs. No such acceptance on the Arab side was forthcoming. The Arabs of Palestine as well as the neighboring Arab States categorically rejected the partition plan and were not prepared to settle for anything less than an independent state of Palestine to be ruled in its entirety by the Arabs.

Thus, at a meeting of premiers and foreign ministers of Arab League States held in Cairo between December 8 and 17, 1947, following the adoption by the General Assembly of the partition recommendation, it was decided that the Arabs were "determined to enter battle against the United Nations decision to partition Palestine and by the will of God to carry it to a successful conclusion."

At the same meeting it was also agreed to take "decisive measures" to prevent the partition of Palestine and the General Assembly's resolution on this matter was defined as "a violation of the principles of right and justice."

Arab opposition to the United Nations' partition plan was not confined to statements and declarations. It was manifested in acts of violence that began on November 30, 1947, some 12 hours after the adoption by the General Assembly of the partition recommendation. These acts of violence sponsored by the Higher Arab Committee which was recognized by Great Britain as the representative body of the Palestinian Arabs and which incidentally was headed at the time by Haj Amin-Husseini who spent the war years in Germany and was instrumental in promoting the mass extermination policies of the Germans against the Jews—soon assumed with the aid and abetment of the neighboring Arab States such proportions that it threw Palestine into a state of virtual chaos and anarchy.

In its first special report to the Security Council, dated February 16, 1948, the United Nations Commission on Palestine, set up under the partition resolution, informed the Council that :

Powerful Arab interests both inside and outside Palestine are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein. (U.N. Document S/676).

Some 7 weeks later in a report dated April 10, 1948, to the second special session of the U.N. General Assembly convened to discuss the developments in Palestine, the commission already advised the General Assembly that the implementation of the partition resolution as a whole, including the establishment of the international special regime for Jerusalem, had been thwarted by Arab violence. In this report the commission pointed out :

opposition to the resolution of November 25, 1947, has stated in the form of armed resistance. It is not only the Arab States envisaged in the resolution which cannot now be constituted according to the partition plan, but the establishment of the Jewish state and of the international regime for the city of Jerusalem are also obstructed by Arab resistance.

Arab opposition to the plan of the Assembly as stated in the formal organized efforts by strong Arab elements both inside and outside Palestine to prevent its implementation and to thwart its objectives by threats and acts of violence including repeated armed incursions into Palestinian territory.

The judicial aspects of the Arab refusal to accept the partition plan are very ably summed up by Professor Aleh Hulatapa of Cambridge University in England. He says—

It is unfortunate that the Arabs rejected the resolution. They were to some extent correct in their incidental assertion that the General Assembly was not able of resolution to dispose in a binding manner of the whole or any part of the territory of Palestine. Palestine was not the property of the U.N. to give or withhold as it pleased. The role of the U.N. was a restricted one. Its acquiescence in the termination of Britain of its obligations as mandatory * * * was a legal necessity. Moreover, the Assembly could, by putting forward a plan which the interested parties might accept, provide the legal basis for the settlement of the future government of the country. But resolutions of the General Assembly do not normally create legal obligations for the members of the U.N. (even if Israel and the proposed Arab state had been members at that time, which they were not) ; and the partition resolution did not have a legislative character. The Assembly could not by its resolution give the Jews and the Arabs in Palestine any rights which either did not otherwise possess ; nor correspondingly could it take away such rights as they did possess. (Lauterpacht, "Jerusalem and the Holy Places," 1968, lb.)

Consequently, when the Palestine mandate was terminated on May 14, 1948, the partition resolution had already been overtaken by events

and had been effectively frustrated through Arab opposition, as has been pointed out by Lauterpacht in three out of its four major elements. No Arab State was established within Palestine. There thus could be no economic union of the Arab and Jewish States. Further, the physical attack by the Arab forces upon the Jewish State as such left the Israeli forces with no option but to respond in kind and maintain such hold as they could upon the areas then in Jewish possession to the point by way of defensive rationalization of their position of moving in places beyond the lines laid down in the partition resolution.

Since the resolution failed to be implemented, its description of specific boundaries ceased to be relevant. As a description of a particular boundary, they became worthless. Thus—

The coming into existence of Israel does not depend legally upon the partition resolution of November 1947. The right of a state to exist flows from its factual existence, especially when that existence is prolonged, shows every sign of continuance, and is recognized by the generality of nations. (Ibid. 19.)

In fact, Mr. Chairman, in those days, that is in 1948, there was little doubt indeed in the minds of jurists and statesmen alike as to the apportionment of blame for all these events and as to the proper legal evaluation of the acts undertaken by the Arabs of Palestine and of the neighboring Arab States upon the termination of the Palestine mandate.

The non-Arab world was virtually unanimous in its condemnation of the very presence of the military forces of the Arab States on Palestinian soil since the forcible entry of those armies into Palestine and the resulting military intervention was regarded as a use of force in violation of the rule embodied in article II, paragraph 4 of the United Nations' Charter.

The use of force by the contiguous Arab States having been illegal, it naturally could not give rise to any valid legal title. As we jurists say, "Ex injuria jus non oritur." (There cannot flow rights from a wrongful act.)

The initial justification given by the Arab States for their armed intervention at the time was that they had to enter Palestine—

to establish security and order in place of chaos and disorder which prevailed in the face of brutal crimes against humanity in a contiguous country . . . They deemed it their bounden duty to intervene in Palestine with the object of putting an end to the massacres raging there and upholding law and principles recognized among the United Nations.

I quote here from an Egyptian communication to the Security Council dated May 15, 1948. (U.N. Document S/743.)

They also asserted, and here I am quoting from a Jordanian cablegram to the Security Council, "that they were compelled to enter Palestine to protect unarmed Arabs against massacres." King Abdullah of Transjordan spoke of his awareness and "our national duty toward Palestine in general and Jerusalem in particular." (U.N. Document S/748.)

It was the Ukrainian representative in the Security Council who countered these attempts to justify the illegal Arab intervention in Palestine by rightly rejecting the assertion that—

The intervention has no other object in view than the restoration of security and order in Palestine because it is known that according to the rules of the international community each government has the right to restore order only in its own territory. (Security Council, Official Records 292nd meeting, p. 25.)

He further stated that—

None of the states whose troops had entered Palestine can claim that Palestine forms part of its territory. It is an altogether separate entity without any relationship to the territories of the States which have sent their troops into Palestine. (Ibid, 297th Meeting, p. 5.)

On May 27, 1948, that is 12 days after the termination of the mandate, the Ukrainian representative invited the Council to note—

The unlawful invasion by a number of states of the territory of Palestine which does not form part of the territory of any of the states whose armed forces have invaded it. (Ibid, 30th meeting, p. 7.)

When the Arabs became aware of the inherent legal weakness of their initial argument of self-defense and restoration of law and order in Palestine, they sought to shift it and to justify their armed intervention by reference to the provisions of chapter 8 of the United Nations' Charter concerning the regional arrangements. Under this modified version of their argument, the Arab States maintained that Palestine, being a member of the Arab League, and the Arab League constituting a regional arrangement, article 52 of the charter applied and that the neighboring governments which are members of the Arab League consider themselves responsible for the maintenance of security in their area as a regional organization in conformity with the provisions of the United Nations' Charter.

This reliance by the Arab States on chapter 8 of the U.N. Charter to justify their armed intervention in Palestine was shown by the U.S. representative to be devoid of any legal merit. Senator Warren Austin, the permanent representative of the United States to the United Nations at the time stated before the Security Council that—

The Arab statements are the best evidence we have of the international character of their aggression. They tell us quite frankly that their business is political. Of course, the statement that they are there to make peace is rather remarkable in view of the fact that they are waging war. (Ibid, 302nd meeting, pp. 41-2.)

Referring specifically to the reply sent by King Abdullah of Transjordan to questions addressed to him by the Security Council—and I emphasize this point because it was King Abdullah of Transjordan who overran Judea and Samaria in 1948—Senator Austin stated that the king's answer—

is characterized by a certain contumacy toward the United Nations and the Security Council. He has sent us an answer to our questions addressed to him as a ruler who is occupying land outside his domain by the Security Council, a body which is recognized in the world to ask these questions of him. The contumacy of that reply to the Security Council is the very best evidence of the illegal purpose of his government in invading Palestine with armed forces and conducting the war which it is waging there. It is against the peace. It is not on behalf of peace. It is an invasion with a definite purpose. Therefore, here we have the highest type of international violation of the law. The admission by those who are committing this violation. (Ibid.)

The U.S. representative also reminded the Arab States that their intervention in Palestine could not be characterized as an action taken under chapter 8 of the U.N. Charter, for article 53 of the U.N. Charter requires the prior authorization of the Security Council for any enforcement action taken under regional arrangements or by a regional agency and no such authorization had been given to the armed intervention into Palestine by the Security Council.

The concerted Arab attempt to crush Israel by unlawfully invading Palestinian soil eventually failed, although some Palestinian territory, that is Judea, Samaria, and the Gaza Strip, remained in the hands of the invading Arab armies.

The military realities prevailing at the time were reflected in the armistice agreements concluded between February and July 1949 between Israel and each of her Arab neighbors. However, those agreements did not remove and were not intended to remove the illegality of the presence of the invading Arab armies on the territory of the former Palestine mandate.

For present purposes, we do not have to enter into the controversial questions relating to the nature and scope of armistice agreements in general. It is sufficient to confine ourselves here to a specific provision contained in the Israel-Jordan general armistice agreement concerning the matter here under consideration. I am referring to article II, paragraph 2, of the agreement which stipulates that—

No provision of this agreement shall in any way prejudice the rights, claims, and positions of either party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this agreement being dictated exclusively by military considerations. (UNTS, Vol. 42, p. 306.)

It therefore follows that the effect of the Israeli-Jordan armistice agreement (and similar provisions may also be found in the other armistice agreements concluded between Israel and the neighboring Arab States) was to freeze, as it were, the rights and claims of the parties as they existed on the day of the agreement's conclusion. In consequence, no subsequent unilateral act could, as long as the agreement remained in force, improve, affect, or alter the rights of any party as they existed when the agreement was concluded.

The purported annexation by the Kingdom of Jordan of Judea and Samaria in April of 1950 was therefore from the point of view of international law devoid of any legal effect. I might add parenthetically that Egypt never claimed to have annexed the Gaza Strip.

This conclusion is warranted not only by the above quoted provision of the Israel-Jordan general armistice agreement, but also by legal considerations of a more general nature.

For the reasons elaborated by me so far, the most favorable construction from the Jordanian viewpoint that can be placed on the presence of armed elements of Transjordan on Palestinian soil after May 15, 1948, is that they enjoyed the rights of a belligerent occupant within the meaning of this term under international law.

According to Prof. Julius Stone, one of the most eminent international law authorities of our time, the position of the State of Jordan on the West Bank and in East Jerusalem insofar as it had a legal basis in May 1967, rested on the fact that the State or Transjordan had overrun this territory during the 1948 hostilities against Israel. It was a belligerent occupant there. (Stone, *The Middle East Under Cease-Fire*, 1967, p. 12.)

It is a cardinal rule of the international law of belligerent occupation, as phrased by another eminent international lawyer of our time, the late Lord McNair of Cambridge University and a former judge of the International Court of Justice, that—

Occupation does not displace or transfer sovereignty. The occupant is entitled to exercise military authority over the territory occupied but he does not ac-

quire sovereignty unless and until it is ceded to him by a treaty of peace. (McNair, *The Legal Effect of War*, 3rd Ed., 1948, p. 320.)

The Finnish international lawyer Castrén has written one of the better known treatises on belligerent occupation. He points out on this matter that—

Sovereignty over occupied territory is not transferred to the occupying power. Occupied territory may not be annexed and unilateral declarations to this effect are consequently void of legal effect. (Castrén. *The Present Law of War & Neutrality*, 1954, pp. 215-6.)

Another consideration is that, according to the prevailing view, an armistice agreement does not affect the status of the belligerent occupant who, unless otherwise stated in the agreement, remains bound in respect of the occupied territory by the Hague regulations which among other things also prohibit the annexation by the occupant of occupied territory.

It follows from all this that just as the annexation of occupied territory by a belligerent occupant is obviously prohibited before the ceasefire or armistice, it is equally prohibited under international law after the ceasefire or armistice as long as they remain in force.

Thus, it should occasion no surprise that the resolution adopted on April 24, 1950, in a joint session of both Houses of the Jordanian parliament proclaiming "its support for complete unity between the two sides of Jordan and the union into one state which is the Kingdom of Jordan," has not met with international recognition. In fact, there are only two states, as far as I could ascertain, who seem to have recognized this extension of the territory of the Kingdom of Jordan, namely the United Kingdom and Pakistan.

But even the United Kingdom in 1950 excluded from the scope of this recognition of the extension of Jordanian sovereignty eastern Jerusalem.

Israel's reaction to this purported annexation by Jordan of Judea and Samaria was expressed by the Israel foreign minister who told the Knesset:

This is a unilateral act which in no way binds Israel. We have concluded an armistice agreement with the government of the Kingdom of Jordan. We are determined to abide strictly by its provisions. However, this agreement does not constitute any final political arrangement. No such arrangement is possible without negotiations between the parties and the conclusion of peace between them. It must, therefore, be clear that the question of the Arab-inhabited territories west of the Jordan River remains open." (Divrei Haknesset, vol. 5, p. 1282.)

While Israel's negative reaction to the purported annexation by Jordan of Judea and Samaria was not unexpected, the same cannot be said of the reaction of the Arab States to these measures. They, too, voiced their strong opposition to the Jordanian annexation measures of April 1950. On April 13, 1950, that is only 11 days before the adoption of the Jordanian parliamentary resolution referred to above, the council of the Arab League decided that "annexation of Arab Palestine by any Arab State would be considered a violation of the League charter and subject to sanctions."

Three weeks after the said proclamation in May 1950, the political committee of the Arab League in an extraordinary session held in

Cairo decided without objection—and Jordan herself was absent from the meeting—that Jordanian annexation measure constituted a violation of the council's resolution of April 13, 1950. It went on to consider the expulsion of Jordan from the League.

It was decided that the discussion of punitive measures be postponed to another meeting set for June 12, 1950. At that meeting of the League council it had before it a Jordanian memorandum asserting that "annexation of Arab Palestine was irrevocable although without prejudice to any final settlement of the Palestinian question."

This formula enabled the council to adopt a face-saving resolution under which "it was decided to treat the Arab part of Palestine annexed by Jordan as a trust in its hands until the Palestine case is fully solved in the interests of its inhabitants."

Some 17 years later on May 31, 1967, that is less than 1 week before the outbreak of the Arab-Israel hostilities of June 1967, Jordan herself seems to have called into question, unwittingly perhaps, the validity of her annexation measures of April 1950 when her representatives told the council:

There is an armistice agreement. The agreement did not fix boundaries. It fixed the demarcation line. The agreement did not pass judgment on rights, political, military, or otherwise. I know of no boundary. I know of a situation frozen by an armistice agreement. (U.N. Document S/PV 1345, p. 47.)

If the analysis here submitted is correct, then the Kingdom of Jordan never acquired the status of a legitimate sovereign over Judea and Samaria. On the interpretation most favorable to the Kingdom of Jordan, her rights over Judea and Samaria could thus not exceed those of a belligerent occupant. That is its conclusion which is of decisive legal significance as regards to the nature and scope of the present rights of Israel over these territories.

It will be clear already that the traditional rules of international law governing belligerent occupation are based on a twofold assumption, namely that it was the legitimate sovereign which was ousted from the territory under occupation, and that the ousting side qualifies as a belligerent occupant with respect to that territory.

According to one of the better known American authorities on the international law of belligerent occupation, belligerent occupation, as regulated by customary and conventional international law, presupposes a state of affairs in which the sovereign, the legitimate government of the occupied territory is at war with the government of the occupying forces. [Von Glahn, *The Occupation of Enemy Territory*, 1957, p. 273.]

This assumption of the concurrent existence in respect of the same territory of both the ousted legitimate sovereign and the belligerent occupant lies at the root of all those rules of international law which, while recognizing and sanctioning the occupant's right to administer the occupied territory, aim at the same time to safeguard the rights of the ousted sovereign.

It would seem to follow that in a case like the present one where the ousted state never was the legitimate sovereign, those rules of belligerent occupation directed to safeguarding that sovereign's rights simply cannot find application.

Consequently, Jordan is not entitled in respect of Judea and Samaria to the reversionary rights of sovereignty which international

law confers on the legitimate sovereign vis-a-vis the belligerent occupant. Thus, whatever Jordanian rights existed in Judea and Samaria on the eve of the June war of 1967 within the framework of the Israel-Jordan general armistice agreement of 1949, ceased to exist when the Jordanian forces were ousted from the said territories as a result of the hostilities of June 1967.

This conclusion is warranted by the fact that the Jordanian attack on the morning of June 5, 1967, along the Israel-Jordan armistice demarcation line, was in the nature of a material breach of the Israel-Jordan general armistice agreement, article I, paragraph 2, of which had provided that "no aggressive action by the armed forces—land, sea, or air—of either party shall be undertaken, planned, or threatened against the people or the armed forces of the other."

As to the initiation of those hostilities by Jordan against Israel, we have the admission of King Hussein himself, as well as the report by the chief of staff of the U.N. truce supervision force in Jerusalem, the Norwegian general, Odd Bull.

It is an accepted principle of international law which has now also found expression in 1969 Vienna Convention of the law of treaties that the material breach of the bilateral treaty by one of the parties entitles the other to invoke that breach as the ground for terminating the treaty or suspending its operation in whole or in part.

The initiation by Jordan on June 5, 1967, of large-scale hostilities against Israel as a result of which Jordan lost control of Judea and Samaria was unquestionably in the nature of such a material breach following which Israel denounced, as she was entitled to do, that she regarded the armistice agreement with Jordan as terminated because of this violation of the agreement by Jordan.

While Israel thus seized control of Judea and Samaria in 1967 in lawful exercise of her inherent right of self-defense, which, as is well known, is recognized also under article 51 of the U.N. Charter, the origins of Jordanian rule in Judea and Samaria lay, as has been amply shown above, in the aggression committed by Transjordan in 1948 against the newly born State of Israel. In the course of that aggression, Transjordan invaded the Palestinian territory.

Prof. Stephen Schwebel, formerly of Johns Hopkins University, and currently the deputy legal adviser to the U.S. Department of State, has succinctly pointed out the important legal consequences flowing from this difference in the origins of the respective rights in East Jerusalem and in the other regions of Palestine which were overrun by the Arabs in 1948, and I quote him :

Having regard to the consideration that Israel acted defensively in 1948 and 1967, and her Arab neighbors acted aggressively in 1948 and 1967, Israel has better title in the territory of what was Palestine than do Jordan and Egypt. (64 AJIL (1970), pp. 346-7.)

Schwebel's assertion that Israel can show a better title than Jordan or Egypt to any territory that lives within the boundaries of the former Palestine mandate rests on solid legal foundations. It must be remembered that title to territory is normally based not on a claim of absolute validity—few such claims could be substantiated, not even those of the United States of America to the territory which it holds—but rather on one of relative validity.

Thus for example, in the *Minquier's and Ecrebio's Case* adjudicated by the International Court of Justice in a territorial dispute of 1953 regarding certain islands in the English Chanel, the court, when called upon to resolve the territorial dispute between Britain and France, decided "to appraise the relative strength of the opposing claims to sovereignty."

Since, in the present view, no state can make a legal claim to Judea and Samaria that is equal to that of Israel, this relative superiority of Israel may be sufficient under international law to make Israel's possession of those territories virtually indistinguishable from an absolute title to be valid *erga omnes*. The fact that Israel has so far refrained from making full exercise of these rights beyond the municipal limits of Jerusalem is perhaps best explained by the Israeli Government's reluctance to close certain political options in any future negotiations.

It is against the background of these legal considerations as distinct from the political considerations underlying the resolutions of various international bodies that the questions surrounding the juridical status of Judea and Samaria have to be viewed.

I would, therefore, conclude by saying that Israel cannot be considered as an occupying power within the meaning given to this term in international law in any part of the former Palestine mandate, including Judea and Samaria.

Also, as a result, Israel's right to Judea, Samaria, and the Gaza Strip are not subject to the limitations imposed by international law on a belligerent occupant.

Thank you very much.

Senator ABOUREZK. I have to say, Mr. Blum, that I happen to be a lawyer myself and not an international lawyer, but that is one of the most ingenious arguments I have ever heard to establish the claim of Israel over those particular territories.

Mr. BLUM. I happen to be in good company with Prof. Stephen Schwebel and Prof. Julius Stone, and Professor Lauterpacht who are great international legal authorities, not political authorities. They have given some time and reflection to this problem.

Senator ABOUREZK. You imply but do not state it directly, and you seem to have left hanging the question of who has actual sovereignty over the West Bank, the territory you call Judea and Samaria. Would you say that Israel has absolute sovereignty over those territories?

Mr. BLUM. Let me perhaps first react to the question of terminology—the territory which I call Judea and Samaria. It is only right that we all call it Judea and Samaria for the simple reason that the term "West Bank" is suggestive and really prejudices the issue which we discuss here. It has no meaning except in the context of the West Bank of the Kingdom of Jordan. This is precisely the question to which I address myself here. Otherwise, geographically the West Bank has no meaning. Tel Aviv and Haifa are as much on the West Bank of the Jordan River as are Hebron and Nablus. Because of this I think Judea and Samaria are the correct geographical descriptions of the area which we are dealing with, just as we refer to the northern part of Israel as Galilee and to the southern part of Israel as Negeb. It is only appropriate for us to call the central part of what was Palestine as Judea and Samaria. This is the neutral geographical description.

Senator **ABOUREZK**. If you accept the definition of Judea and Samaria that Prime Minister Begin pronounces—that it is the historical land of Israel, isn't the use of your terminology calling it Judea and Samaria presupposing the issue on the other side as well?

Mr. **BLUM**. No, sir. I do not think so. I would just as much call the coastal plain of Sharon, the southern part the Negeb. I do not think it really prejudices the issue on the Golan that we call it the Golan Heights which is the correct geographical description of that region.

Coming now to the question of sovereignty, I would have to say this. Yes, indeed, I consider Israel as the potential sovereign over Judea and Samaria.

Senator **ABOUREZK**. What does that mean, potential?

Mr. **BLUM**. The moment Israel wishes to extend its law and jurisdiction and administration to Judea and Samaria, it is entitled to do so and in fact this extension of Israeli sovereignty to any territory of the former Palestine mandate effectively under Israeli control has been recognized by the outside world. Ever since 1948 Israel has had effective control over various regions of the former Palestine mandate that under the projected Jewish state of the partition recommendation would have been situated beyond the boundaries of Israel—for instance, Western Galilee or Ben-Gurion International Airport.

If I correctly understand the position of those who oppose Israel in the present day international arena, they basically call, at least outwardly, for Israel's withdrawal to the former armistice demarcation lines and to convert those armistice demarcation lines into international boundaries. Those boundaries, of course, would include certain territories which came under Israeli jurisdiction precisely in the same manner like Ben-Gurion International Airport and the city of Jaffa and West Jerusalem and the Jerusalem corridor.

I see no difference from the legal point of view between the juridical status of western Galilee and Nazareth, Ben-Gurion International Airport, and Jaffa on the one hand, and Judea and Samaria, including East Jerusalem on the other. Once the armistice agreement was terminated, we were back from the legal point of view to the situation as it existed prior to the conclusion of the armistice agreement.

So, I see no obstacle from the legal point of view to Israel exercising its law and applying its jurisdiction to any territory of the former Palestine mandate without formally annexing it because I think the term "annexation" would not be appropriate. A state annexes a territory that has been ceded to it by another state and which prior to that cession had been part of the sovereign domain of the ceding state. This is not the case with respect to Judea and Samaria. Therefore, I think the correct construction is that Israel extends its administration and jurisdiction to the formerly mandated territories in Palestine.

Senator **ABOUREZK**. Under your argument then, if a legal battle, if I may call it that, to the West Bank falls, then Israel's legal title to Galilee and to Ben-Gurion International Airport would also fall?

Mr. **BLUM**. No. This is not a correct reading and interpretation of what I said.

Senator **ABOUREZK**. I thought that is what you said.

Mr. BLUM. I am not calling into question Israel's right. But what I have been saying is that even the most extreme opponents of Israel these days do not call into question Israel's eventual right to regard Ben-Gurion International Airport as part of her sovereign territory.

But I have invited you, Mr. Chairman, to react in a similar manner to the remaining parts of the Palestinian mandate because otherwise we would be selective. From the legal point of view this would be hardly justifiable.

Senator ABOUREZK. What other parts of the Palestine mandate exist which are not under Israeli control?

Mr. BLUM. The former western Palestine mandate is now under Israeli control. All of it, and as I say, I regard Israel's rights there as better and superior to that of any other country.

Senator ABOUREZK. I think you misunderstood me. Are there any portions of the original mandate that are not under Israeli control?

Mr. BLUM. Certainly, more than two-thirds of it.

Senator ABOUREZK. Would you define it?

Mr. BLUM. All east of the Jordan River.

Senator ABOUREZK. How far east?

Mr. BLUM. As far as the Iraqi boundary because the original Palestine mandate had boundaries with Lebanon and Syria in the north, Iraq in the east, and Saudi Arabia and Egypt in the south, and the Mediterranean in the west.

Senator ABOUREZK. So then Israel has potential sovereignty over that territory as well; is that correct?

Mr. BLUM. No; I did not claim that. In 1946 the eastern part of the Palestine mandate was separated from the rest of the mandate, that is, two-thirds of the territories that were earmarked for the Palestine mandate which is the Jewish national home, in 1922. They were then detached in 1946 from western Palestine and an independent Arab state, an independent Palestinian Arab state, was set up in more than two-thirds of the Palestine mandate by Great Britain with the subsequent approval of the United Nations General Assembly.

So I do not question the validity of those measures. In fact, I believe that as a result of those measures of 1946 the Jordan River became an international boundary for Jordan and Palestine alike which Jordan could not lawfully transgress, could not lawfully cross in 1948.

Senator ABOUREZK. In giving the historical background of this controversy in the Middle East, you seem to have glossed over certain facts which perhaps ought to be included. You use your stated facts as a basis for the establishment of whatever territory Israel might want within the area you defined as part of the original mandate subject to potential sovereignty by Israel.

In your opinion as an international lawyer, does the U.N. Charter allow the acquisition of territory by force or is it prohibited by the charter?

Mr. BLUM. I believe that under the U.N. Charter the acquisition of territory, the acquisition of sovereignty, by force over foreign territory is absolutely prohibited.

Let me add this. It is precisely because of this view of mine that I believe that Jordan, as a foreign occupant of Palestinian territory,

was precluded from acquiring sovereignty over Judea and Samaria. The U.N. Charter does not address itself—and I could supply you with the necessary authorities on this point and there has been a lot of writing on this subject recently—but the charter does not address itself to the questions of belligerent occupation, but the rights of a belligerent occupant are regulated by the documents governing belligerent occupation. The belligerent occupant's rights are lawful as long as the status of military occupation is not replaced by a permanent arrangement, generally a peace treaty.

What I did, however, say—and I would like to reemphasize this—is that I believe that as far as the territory of the former Palestine mandate is concerned—and now I am talking about western Palestine which is less than one-third of the original Palestine mandate of 1922—and as far as the territory of the former Palestine mandate is concerned Israel would not “acquire” sovereignty over those territories, they not being foreign territories as regards Israel.

That is for the reasons I have tried to explain at some length and which you were good enough to listen to patiently.

So, I believe that Israel would not be acquiring foreign territory in Judea and Samaria. This does not fall within the said prohibition of the U.N. Charter.

Incidentally, the United Nations Charter, to be very precise, speaks of the prohibition of the use of force. The prohibition of the acquisition of territory by the use of force is something that has been logically concluded from it. It is not laid down in so many words in the charter. If you want to be accurate about that that is the way it is.

Senator ABOUREZK. Then to try to establish and include some of the facts which were omitted from the testimony, do you believe that the establishment of Israel as a state in 1948 was done under the provisions of the United Nations Charter or in violation of the charter?

Mr. BLUM. No state is established under the charter or in violation of the charter, simply because, as far as international law is concerned, states are born out of wedlock so to speak. States are not born in conformity with the existing legal framework. For instance, the United States of America was not born exactly in conformity with the laws governing at the time in this part of the world. It was an uprising against the legitimate sovereign. I do not mean to decry or to deplore that action that was taken 200 years ago. I simply point out the fact that, as far as international law is concerned, every state is as legal or illegal, as you want to view it, from the point of view of international law.

This applies to all Latin American States. This applies to the Soviet Union which regards itself as a new state having broken the constitutional continuity with its predecessor. This applies to Red China. This applies to Africa and practically to the whole world. It even applies to the old countries like Britain and France with one important difference that they are old enough and they are so old that at the time of their birth when the deficiencies and defects of their birth from the point of view of international law could have been detected, the mass media, the television people, were not around.

So, it is a little bit more difficult to document.

Senator ABOUREZK. But what we are talking about, Mr. Blum, is not what happened 200 years ago. But because of states conquering,

annexing or making other states part of their own territory 100 or 200 years ago, the U.N. Charter was drafted and signed by most of the nations of the world.

I think we have to talk in terms of whether or not we intend to live up to the principles of that charter. Do we, at some point in the 20th century, after the signing of the U.N. Charter, then stop acquiring territory by force or do we ignore the charter and make exceptions for various countries, for Israel, for example? This is what we need to talk about. This is what my question is directed to.

Let me ask this recurring question. If the U.N. Charter, either by implication or by direct enunciation, prohibits the acquisition of territory by force, doesn't that, even under your own terms, call into question the original establishment of Israel as a State by a matter of force of arms in 1947 and 1948?

Mr. BLUM. No, not at all. I think I have given some quotations from the Security Council records to point out that it was very surely the consensus of the membership of the United Nations in 1948 that it was not the State of Israel that was created as a result of an unlawful use of force but, quite to the contrary, because of the Arab use of force in 1948, there was such an unlawful use of force. I have extensively quoted from a statement made by the then representative of the United States in the United Nations. I have given the quotation from his counterpart, not from the Soviet Union but from the Ukraine, whatever the differences may be between the Soviet Union and the Ukraine.

This was virtually the consensus of the membership of the United Nations in 1948 that the State of Israel was defending itself against an unlawful aggression committed against the State of Israel from the very moment of its inception.

Senator ABOUREZK. In spite of what you say the consensus of opinion was at the time, I think you ought to concede that Israel was not established as a result of a democratic election. Won't you concede that?

Mr. BLUM. I find this a curious argument, if I may say so.

With due respect, as far as I know, Israel is the only State in the Middle East which has had uninterruptedly democratic universal elections ever since 1949.

Senator ABOUREZK. Would that include all the residents of that area?

Mr. BLUM. All the residents of the State of Israel—Jews and non-Jews alike.

Senator ABOUREZK. Including the ones driven out?

Mr. BLUM. May I add here that we would have loved to have had our general elections not in 1949 but at some earlier date. We could not do that because we were engaged in a war of self-defense and fighting for our very lives. Therefore, it was a provisional Government of Israel that ruled until January 1949. However, even the provisional Government of Israel grew out of the elected representation of the Jewish community in Palestine, elected by the Jewish community of Palestine during the mandate period.

As far as international law is concerned, general elections are not a precondition for the legality of the state. If you look around the world—

Senator ABOUREZK. I'm not saying that.

Mr. BLUM. You have 120 out of 150 states which have dubious elections if they have them at all.

Senator ABOUREZK. Let's go back to the simple point. I asked you if Israel had indeed established itself as a state as a result of force. You will not talk about that. Then I asked you if it was done through elections and you wouldn't talk about that.

How were they established if they were not established either way?

Mr. BLUM. The answer is very simple. Practically every state, with the exception of the select fortunate few like Lichtenstein and Monaco and Luxembourg and perhaps a few other ministates, practically all states have to assert their existence also through the insistence on physical force and the will to defend themselves.

I'm dealing with different aspects of the situation. I am dealing with the legal aspects. If the legal aspects would not have been backed up and supported by the physical strength of the State of Israel, then obviously I would not sit here in front of you here today to speak about the sovereignty of Israel on any part of the Palestine mandate. That is true of any given country.

Senator ABOUREZK. This is true of Israel; right?

Mr. BLUM. It is true of any country.

Senator ABOUREZK. I understand that. But is it true of Israel?

Mr. BLUM. If its rights are not supported by physical force, then those rights will be kept in abeyance, I would suspect, by the international community.

Senator ABOUREZK. I think we have established that Israel established itself as a state through the use of force.

Mr. BLUM. No; Israel established itself like any other state from the point of view of international law because the State of Israel, like any other state, had to meet, and met, the requirements of statehood as laid down in any textbook of international law which are certain well-defined territories, citizens who are willing to accept the allegiance to the state, an effective administration, and recognition by the international community. Israel is no different from any other state.

The fact that Israel had to fight a war of self-defense from the moment of its inception is a curious way of challenging Israel's right to exist. I wish we didn't have to fight that war of independence in 1948.

Senator ABOUREZK. I think you probably had to fight because the State of Israel, in its present form, could not have been established with an election of the people there. I would submit that the reason it could not is because the Palestinian-Arab population was in a majority at that time until they were driven out in sufficient numbers to make itself the minority.

Mr. BLUM. We could not have established in 1948 the State of Israel without fighting for its existence and its independence because the neighboring Arab States and the Arabs of Palestine were opposed to the recommendation of the U.N. General Assembly that would have partitioned Palestine for a second time and would have left seven-eighths of the original Palestine mandate in Arab hands. They were not content with having seven-eighths of it. They wanted all eight-eighths of it. That was the reason.

Senator ABOUREZK. But in view of the fact that the U.N. resolution is recommending the partitioning and it is not binding—and you said

that in your testimony—then the only other alternative, other than fighting and taking the territory by force in order to establish the State of Israel, would be to hold an election of some sort. Isn't that accurate?

Mr. BLUM. No; it is not.

Senator ABOUREZK. What other way could you have done it without the use of force?

Mr. BLUM. I am trying to differentiate between the use of force, which is generally speaking unlawful under the U.N. Charter, and the use of force in self-defense which is mentioned under article 51 of the U.N. Charter.

All the authorities, except for the Arab authorities on this matter and including the Eastern European authorities in 1948, were agreed that it was the Arab States who used unlawful force in violation of article II, paragraph 4, of the charter and it was the State of Israel that was exercising its right of self-defense. I find it very difficult to turn this construction around.

Senator ABOUREZK. I don't think I started turning things around. It wasn't I who started it.

You are ignoring, if I am not mistaken, the use of force by the Jewish settlement at the time. There were three distinct, separate armed forces units operating before the State of Israel was established—the Haganah, the Stern, and the Irgun. They had operated for a number of years and they were using force. In fact, the terrorist groups were using force to drive the British out; isn't that right?

Mr. BLUM. The various Jewish underground movements, not so much the Haganah except for a short period of time, but definitely the other two organizations which you mentioned. They did use force with the view to removing British presence from the territory of the former Palestine mandate.

Senator ABOUREZK. For a specific reason to establish Israel; isn't that right?

Mr. BLUM. Yes, and it is only fair to point out that they claimed at the time that the sole justification for British presence in Palestine, which was not part of the British sovereign domain; was to encourage the establishment of the Jewish national home in Palestine. The moment that Britain reneged on this international obligation of hers which was the sole source of her rule in Palestine, she was not entitled to remain there. So, that was the justification for using force by the Jewish underground movements against the British.

But strictly speaking, I think this is irrelevant when it comes to discussing the question before us. The question before us is a different one.

Senator ABOUREZK. It is relevant in terms of using a partial set of facts for the basis of your legal argument giving Israel a right to practically anything within its vision.

Mr. BLUM. May I point out the distinction?

Senator ABOUREZK. Certainly.

Mr. BLUM. The distinction is that we have, for present purposes, to distinguish between the international use of force and civil disorders not amounting to an international use of force. The U.N. Charter and international law are not concerned basically with internal disturb-

ances. For instance, the Baader-Meinhof disturbances in Germany are not a matter, as long as it is confined to Germany, for international law.

International law becomes interested in violence and the use of force whenever it transcends national boundaries.

This was the case in 1948, as far as Arab military intervention in Palestine was concerned. These were outside powers who, according to some speakers in the Security Council and elsewhere in 1948, had no legitimate business on Palestinian soil.

Senator ABOUREZK. That brings up another question, Professor Blum.

You say that Israel has a right to potential sovereignty over anything within the mandated power. You justified the establishment of settlements on those territories based upon that legal premise. What about the Sinai? Was that part of the mandate?

Mr. BLUM. No; it was not.

Senator ABOUREZK. Israel has settlements on the Sinai, doesn't it?

Mr. BLUM. Yes.

Senator ABOUREZK. How can you justify that?

Mr. BLUM. I would certainly not apply this argument to the Sinai. I would have to say one thing. As far as the interpretation of article 49 is concerned, as was suggested to this distinguished committee by Mrs. Hauser—

Senator ABOUREZK. I am sorry but that was a House committee. She didn't testify here but in the House of Representatives. That's all right; go ahead.

Mr. BLUM. I see.

But as far as article 49 is concerned, the interpretation offered by Mrs. Hauser, with which I happen to associate myself, also finds application in the Sinai.

Senator ABOUREZK. It is perfectly legal to do it because Israel is exempted from article 49 of the Red Cross Convention?

Mr. BLUM. No, not that it is exempted. These were not my words. What I said was that article 49 envisions certain situations of the displacement of the local population for the purpose of the mass transfer of the occupiers' population into occupied territory.

What I am suggesting is that, given the figures which were given by Mrs. Hauser, and given the situation on the ground, the situation envisioned by article 49 does not apply.

I would add one more word of caution. I say this merely as a word of caution. I have not gone into this question. I have not gone into the question as to the length of the duration of the belligerent occupation provisions of international law. Belligerent occupation exceeding a long period of time simply cannot work under the same constraints as the normal belligerent occupation, if the term "normal" can be applied to a situation of this kind. Obviously the Red Cross Convention and other international instruments have in view the "normal" situation under which the hostilities are ceased or terminated and you have an interim period of a few weeks or months of belligerent occupation followed by peace negotiations which finally dispose of the territory.

The longer such a situation lasts, the more difficult it becomes. This is recognized also by certain provisions of these conventions, that it becomes more difficult to abide literally by those provisions.

Also, in order to protect the interests of the local population, you have this situation. So, we would have to look into this aspect of the duration of an occupation. I must confess I have not looked sufficiently into that problem to enable me to intelligently react to this matter.

Senator **ABOUREZK**. I have one other question. If we accept your argument that Israel has a form of modified sovereignty or potential sovereignty over the West Bank, do you have any comment or observation then on the treatment by the Israeli government of its citizens there? There is a total denial of legal rights and human rights. Do you approve of that or disapprove?

Mr. **BLUM**. What I said was that Israel has not extended its law, jurisdiction, or administration to Judea, Samaria, and the Gaza Strip, obviously.

The residents of those territories are overwhelmingly Jordanian citizens. The situation *de facto* is that Israel behaves in that territory toward the local population as if it were bound by the Fourth Geneva Convention and all its humanitarian provisions.

The Fourth Geneva Convention—and I was literally astonished to listen to the previous speaker on this matter because obviously he ignored this when he spoke about certain political rights—the Fourth Geneva Red Cross Convention envisions a situation under which the local population would not be entitled to full political rights because of the unusual situation in which it finds itself.

What the Fourth Geneva Red Cross Convention is concerned with are civil and religious rights, property rights, the right of access to courts, and so on. I think Israel's record on these matters is not something that can be derided in the manner in which the previous speaker has done it.

When he speaks about political demonstrations and the like, then obviously we are shifting to a different sphere. We are shifting to the political rights which are invariably curtailed in occupied territories by the State that at least for the moment does not claim sovereignty and has not turned the population into its citizens.

That was the situation in Germany between 1945 and 1949. That was the situation in Japan of MacArthur during the first years of American occupation in Japan.

I think Israel is no exception except perhaps for one important point. Israel has given a great amount of freedom of movement from the territories to the neighboring countries, back and forth. You will not find many other countries in the world where, before the conclusion of peace, you would find so many tourists coming to the occupied territories from enemy countries as you find in the case of Israel, in spite of all the security risks involved.

Senator **ABOUREZK**. I would like to ask you again if you approve or disapprove of the denial of legal rights and human rights of the people living in the West Bank?

Mr. **BLUM**. The way the question is phrased reminds me of the question "Have you stopped beating your wife?"

Senator ABOUREZK. Perhaps you could rephrase the question for me.

Mr. BLUM. The way you ask the question, Mr. Chairman, is "Do I approve the denial of human rights?" It would seem to presuppose the fact that there is such a thing. I wouldn't want these words to be put in my mouth.

Senator ABOUREZK. There has been ample evidence of it. We have the previous witness. There have been innumerable television and newspaper reports about the denial of human rights.

In fact, I personally know of the former president or existing president of Birzeit University who told me that he was taken summarily with a bag over his head and dumped across the Lebanese border in the middle of the night with no trial and no hearing and no charges. Let's take that one example. Do you approve of that?

Mr. BLUM. Do you want me to specifically react to that question of deportation?

Senator ABOUREZK. Yes.

Mr. BLUM. Let me tell you this, Mr. Chairman. The deportation provisions are to be found in the emergency regulations which we inherited from the British mandatory authorities and which in turn both Israel and Jordan inherited in their respective parts of Palestine which they controlled after 1948.

These emergency regulations are on the statute book also in Israel to the present day. It is not correct to state that they have been abolished in Israel. I for one would be happy if they were abolished, but it so happens that for a variety of reasons successive Israeli Governments have not done so.

So, these deportations are not something that Israel has thought up and invented. In fact, this as I said is inherited from the British mandate period. It is the law, the local law, as we found it in Judea and Samaria in June 1967.

As far as the deportations are concerned, it is a curious deportation indeed—as I might add—when you take a Jordanian citizen and you put him across the Jordan River and you send him to Jordan. This has happened in most of the cases involved. There have been about 100—I don't think I have an accurate figure but I think it is close—but it is only fair that we mention the numbers involved. I think there have been about 100 deportations of this kind of about 100 individuals, and except for 2 or 3 they were all sent to Jordan, to their country of nationality. So it is not being sent into exile.

Senator ABOUREZK. I assume they have a home in Jordan?

Mr. BLUM. With regard to these two or three cases of people being sent to Lebanon instead of Jordan, there was strong criticism in Israel at the time on the ground that it would have been preferable from a legal point to send them to their country of national origin rather than to a country which would have been a foreign country from a legal point of view. Some displeasure has been expressed over these deportations by the Israeli Supreme Court at the time.

Senator ABOUREZK. I find the rationale for taking a person out of his home where he is living on the West Bank and dumping him in Jordan simply because that happens to be his passport nationality before 1967 is stretching it very thin, extremely thin.

Mr. BLUM. I find that is a very unhappy situation the world over. I think to try to apply to the State of Israel the whole gamut of international sets and standards as they apply in the country which fortunately has never been invaded by any foreign country for the last 160 years, that is to try to apply all these rules in their entirety to a country which in its 29 years of existence has not had one day of peace and which is constantly threatened to the present day with destruction by some states at least and some organizations at least is a little bit surprising.

Senator ABOUREZK. It is not surprising in view of the fact that we constantly hear from Israel's supporters that it is a truly democratic country which treats its Arabs very properly. We hear that constantly. Of course, that is subject to change and I was trying to raise that question here today.

So, on the one hand if somebody points out that their Arabs are not being treated properly, then the excuse is that we are at war. I think we ought to go back further. You attempted to talk around this.

You have attempted to talk around this but the fact is that Israel is at war simply because it took territory by force. I hope you will not expect people to give you an award for that. At least I would hope not. The resistance to Israel taking that territory by force is what causes the fighting today and will cause it in the future. I hope that you or Israel would get an award, an international award, for taking the territory from somebody else.

Instead you are getting what one would expect and that is continued warfare. I don't know what else you would expect from it.

Mr. BLUM. I think it is misleading to assume that the taking of a territory by Israel in 1967 created the tension between the Israelis and the neighboring countries. This is losing sight of the true historical perspective. It was in 1948 that the Arabs begrudged any territory of Palestine to the Jews.

Wherever we would have established our ministate on any part of the Palestine mandate the Arabs would have begrudged it for the simple reason that they have never come to grips with the existence of a Jewish people as distinct from a Jewish religion. It has been their position all along that Judaism is merely a religion and as such is not entitled to a state of its own, irrespective of its boundaries.

The 1967 war and the taking of territories is a result, not a cause, of this unhappy situation.

I am definitely certain that Israel is a democratic state, one of the very few democratic states, unfortunately, left in our world. But it is a democratic state of war and just as Great Britain, which never ceased to be a democratic state not even during World War II, had to take certain measures that the Britains would not have taken in peacetime—so the State of Israel equally has had to resort to certain measures, war-time measures. This does not imply, as you seem to have assumed, Mr. Chairman, that Israel has been treating its Arabs—and I think you spoke of “their Arabs or the Arabs of Israel.” We have not deprived them of their human rights.

When you speak of Israel's Arabs, I think you have in mind the citizens of Israel of Arab origin. We have about half a million of them.

These people enjoy the full protection of Israeli law although they are exempted from some duties under Israeli law such as the duty of military service. They serve in the defense forces on a voluntary basis only. There are some who do that.

Senator ABOUREZK. Can those Arabs form their own political parties?

Mr. BLUM. Yes, indeed. They have done so in the past.

Senator ABOUREZK. Which parties are formed by those Arabs?

Mr. BLUM. There are a number of Arab members of the Knesset.

Senator ABOUREZK. I know that but they are members of an existing political party.

Mr. BLUM. I'm sorry. They represent Arab tickets and they run on Arab lists and not on Jewish lists.

Senator ABOUREZK. You say the Arabs are entitled to form political parties of their own?

Mr. BLUM. We're not talking about the Arabs of Israel. We're talking about the citizens of Israel. They are not only entitled to do so but they have done so. They have run on various separate Arab platforms and Arab lists. They have been elected to the Knesset. We have had a deputy speaker, an Arab, of the Knesset who came to the Knesset on an Arab list. We have had a deputy minister of health, an Arab who incidentally did not run on an Arab list but on a Jewish list. He was an Arab representative on a Jewish list.

So I think it is inaccurate to say that Arabs are not entitled to form political parties. They have done so.

Senator ABOUREZK. Can you give me the name of an Arab political party?

Mr. BLUM. Progress and Enlightenment—they usually have double names. The Bedouins of the Negeb are usually running on a separate list of their own. Fraternity and Peace and names like that.

Senator ABOUREZK. Thank you.

Well, I have no more questions. I want to express my thanks to you for your appearance. We appreciate it very much.

Our final witness today will be Prof. W. T. Mallison, professor of law and director of the international and comparative law program at George Washington University here in Washington, D.C. Professor Mallison is a specialist on the legality or illegality of West Bank settlements.

Professor Mallison, we would like to welcome you at this time. You may proceed.

TESTIMONY OF W. T. MALLISON, PROFESSOR OF LAW AND DIRECTOR OF THE INTERNATIONAL AND COMPARATIVE LAW CENTER PROGRAM, GEORGE WASHINGTON UNIVERSITY, WASHINGTON, D.C.

Mr. MALLISON. Thank you very much, Mr. Chairman.

Since there are basic differences between Professor Blum and myself, I want to point out to you that these differences are professional ones. I have had the pleasure of having Dr. Blum speak in my international law classes at George Washington and present the Zionist views. I

hope very much that he will do that again while he is here in Washington.

It is a privilege to appear before this subcommittee and to make a statement on this important subject of the international humanitarian law for the protection of civilian persons in occupied territories.

I. INTRODUCTION : THE HUMAN RIGHTS CONTEXT OF THE GENEVA CIVILIANS CONVENTION

The four Geneva Conventions for the Protection of War Victims of August 12, 1949, were written in the shadow of the Second World War. The first of these Conventions is for the protection of wounded and sick military personnel, including aviators, in land warfare; the second is for the protection of wounded, sick and shipwrecked personnel, including aviators, in naval warfare; and the third protects prisoners of war. The fourth convention is the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, [1955] 3 U.S.T. 3515, T.I.A.S. No. 3365, 75 U.N.T.S. 287. The present analysis is based upon the primary legal sources which govern the matter and particularly emphasizes the Geneva Civilians Convention of 1949.

All four of these Geneva Conventions for the Protection of War Victims have been ratified by the U.S. Government as treaties and are part of the supreme law of the land under the supremacy clause of the U.S. Constitution. These same four Conventions have been ratified by all of the state parties to the continuing hostilities in the Middle East. In addition, the Palestine Liberation Organization has deposited an instrument of accession to the four Geneva Conventions.

The international humanitarian law of armed conflict for the protection of war victims, which includes the customary law on the subject as well as conventional or treaty law, is human rights law in the most fundamental sense. It provides a basic or minimum standard of human rights protections for individuals which are to be applied in the situation of war or international armed conflict, including belligerent occupation. The governments which have created this law have acted on the assumption that even urgent military necessity cannot be allowed to deprive human beings of certain elementary protections. The overriding purpose of the Geneva Conventions of 1949, as reflected in the negotiating history, was to avoid a repetition of the atrocities and massive deprivations of human rights which were inflicted upon civilian populations during the Second World War by the Nazis in Europe and Russia and by the Japanese militarists in Asia.

The U.S. Government has been the preeminent leader in this branch of human rights law since President Lincoln proclaimed "Instructions for the Government of the Armies of the United States in the Field" as General Order No. 100 in 1863. This statement of the humanitarian law, known as Lieber's code because its principal author was Prof. Francis Lieber of Columbia College, became the basis for the subsequent international conventions on the subject, including the present Geneva Conventions. Although it was applied in a civil war, it was widely recognized as being the outstanding codification of the international humanitarian law.

II. THE APPLICABILITY OF THE GENEVA CIVILIANS CONVENTION IN
THE ARAB TERRITORIES OCCUPIED BY ISRAEL

In a number of the post-World War II war crimes trials conducted by the Western Allies, Nazi defendants employed elaborate arguments, including questioning the title to "occupied territory," to avoid the application of the then effective customary and conventional international humanitarian law as criteria for judging the criminality or innocence of their conduct. Although these arguments were rejected by the war crimes tribunals, the four Geneva Conventions of 1949 were written in careful language so as to avoid the possibility of raising these defenses again. The common article 2 of all four Conventions provides that the Conventions, "Shall apply to all cases of declared war or of any other armed conflict which may arise * * * even if the state of war is not recognized * * *."

The same article also provides that the Convention shall also apply to "all" situations "of partial or total occupation of the territory of a high contracting party * * *."

The Conventions are thereby applied to the facts of international conflict, and the lack of a declaration of war is irrelevant. The Conventions also provide no basis for a "just war" theory which would deprive an alleged aggressor of the benefits of the law while saving those benefits for an alleged defender. In the same way, the negotiating history makes it clear, since the application of the Conventions is mandatory, that questions as to de jure titles to territory are not involved and that the Convention must be applied in occupied territory whatever the claims concerning the de jure status of that territory.

The negotiating history of article 47 of the Civilians Convention indicates that its purpose is to avoid a repetition of the Nazi and Japanese militarist practices of World War II whereby the inhabitants of occupied territories were deprived of the protection of the humanitarian law by the device of purported changes in the local law including purported annexations of the occupied territory by the occupying power.

Article 47 provides in full:

Protected persons who are in occupied territory shall not be deprived in any case or in any manner whatsoever of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the occupying power, nor by any annexation by the latter of the whole or part of the occupied territory.

In spite of these treaty provisions, the Government of Israel, which participated in the negotiations of the four Geneva Conventions and was one of the first to ratify them, has not recognized the legal applicability of the Geneva Civilians Convention in occupied territory nor has it applied the Convention as a matter of fact. Article 158 of the Convention makes it impossible for a state party to denounce the Civilians Convention while it is involved in a conflict including a belligerent occupation by providing that no denunciation of the Convention shall take effect "until after peace has been concluded" and until protected persons have been accorded their rights under the Convention.

The Government of Israel, consequently, has had to attempt another method to avoid the application of the Convention. Dr. Yehuda Z. Blum provided an attempt in an article entitled, "The Missing Reversioner: Reflections on the Status of Judea and Samaria," 3 *Israel Law Review* 279 (1968). I have here a pamphlet reprint of his article which has been distributed widely in the United States. His statement to this committee, which I have just heard, is based on this article.

While his government acted entirely consistently with Dr. Blum's arguments from the beginning of the June 1967 belligerent occupations, it is particularly significant that Mr. Menachem Begin, the present Israel Prime Minister, accepted Dr. Blum's arguments from the outset.

Dr. Blum's central thesis is that the application of the law of belligerent occupation, in general, and the Civilians Convention, in particular, is based upon the presupposition that the "legitimate sovereign"—to use Dr. Blum's words—of the occupied territory has been displaced by the occupant. The claim is that Jordan and Egypt were not legitimate sovereigns in the West Bank of the River Jordan and in the Gaza Strip, respectively, since they were there as a result of their alleged acts of aggression.

In this connection, both Mr. Begin and Dr. Blum have frequently reiterated that only two states have recognized the Jordanian claim to the title of the West Bank. This is exactly two more states than have recognized the Israeli claim to the West Bank of the Jordan. Begin and Blum fail to mention that Jordan annexed the West Bank subject to Palestinian rights.

Since the requirement of Dr. Blum's presupposition is alleged to be unfulfilled, the conclusion is then reached that the Government of Israel is not required to apply the international humanitarian law for the benefit of the inhabitants of occupied territory.

Even Dr. Blum's arguments do not attempt to explain the failure of the Government of Israel to apply the Civilians Convention in the occupied Golan Heights, since it has not yet been alleged that the Government of Syria acquired this territory now under belligerent occupation as a result of Syrian aggression. In the same way, it has not yet claimed that Egypt lacks title to the Sinai. Dr. Blum's additional objective in criticizing the Jordanian and Egyptian titles is to enhance the Government of Israel's permanence in the territories and acquisition of the same territories under the claim "the better title" as it has just been described by him.

Israel's main claim to title, apart from supposed religious arguments used for political purposes, is the U.N. General Assembly Palestine Partition Resolution, No. 181 (II) of November 29, 1947. The Declaration of Establishment of the State of Israel states that this partition resolution is the ground for the legality of the State of Israel. Under the terms of this resolution, the West Bank and the Gaza Strip are far beyond the boundaries allocated to the State of Israel. They were expressly allocated to the Palestine Arab State, which certainly gives such a state—if one exists in the future—a significant claim to title. A further examination of the Palestine partition resolution indicates that the territory allocated to Israel—much less than the present claims or the cease-fire lines which existed prior to June 5, 1967—was

only allocated on condition that certain duties imposed upon each state to be established in Palestine were carried out.

Among these legal obligations, section 10(d) of part IB is particularly important and provides that each of the states to be set up in Palestine shall have a constitution which includes provisions:

Guaranteeing to all persons equal and nondiscriminatory rights in civil, political, economic, and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly, and association.

In most civilized legal systems it is recognized that legal rights may only be exercised conditioned upon compliance with legal duties. The refusal of the State of Israel to comply with the nondiscriminatory requirements of the Palestine partition resolution—its main claim to title—puts in serious jeopardy its claim to legal title to the limited territory allocated to it by the resolution.

It has been mentioned that the partition resolution allocated the West Bank and the Gaza Strip, along with other territory, to the Palestine Arab State. It should be added that article 22(4) of the League of Nations Covenant, certainly the most significant multilateral treaty until the advent of the United Nations Charter, recognized provisionally the independence of all of Palestine. Although a complete analysis is beyond the scope of the present inquiry, there appears to be persuasive pre-existing legal authority for the territory comprising a State of Palestine, or, I emphasize, a nondiscriminatory basis, including the religious nondiscrimination required Palestine by the partition resolution.

One must conclude that Dr. Blum is unaware of the consequences of an inquiry concerning title to territory. The inadequacy of his analysis is further emphasized by his statement that, in addition to the de facto existence of a state, recognition is the basis for the title of a state and its lawfulness. If so, the State of Israel is in serious trouble under his analysis because at the present time more states recognize the Palestine Liberation Organization than recognize the State of Israel.

The thesis developed by Dr. Blum and acted upon by Mr. Begin is defective in law, although no one can doubt its effectiveness, thus far, as a matter of power politics. As a substantive matter it does not merit serious consideration but, because it has been acted upon by the Government of Israel, it will now be considered.

First, Dr. Blum uses an obscure method of treaty interpretation which is not known in international law or, indeed, in any civilized legal system. It places little or no reliance upon either the text of the Convention or its negotiating history, which are the accepted methods of ascertaining meaning including the basic purpose of the agreement.

Second, it assumes without supporting evidence that the word "territory" in article 2 of the Civilians Convention must be narrowly construed as only including territory over which the displaced government had de jure title or complete formal sovereignty.

Even if the claim that Jordan annexed the West Bank unlawfully should be accepted for purposes of legal argument, this does not mean that this territory is not "the territory of a high contracting

party" within the meaning of article 2. It is well established that the word "territory" includes, in addition to de jure title, a mere de facto title to the territory. Otherwise, civilians in disputed territory would be denied the protection of law on the basis of a trivial, and indeed, a nonexistent technicality.

Third, the idea that in order to apply the law of belligerent occupation it is necessary for the belligerent to recognize the displaced government's title to the territory finds no support in either the text of the Convention or its negotiating history. In addition, it is contrary to the well-established customary law based upon state practice. For example, during the American Civil War, the United States treated territory which it claimed as sovereign but which the Confederate States had held as the de facto possessor as being subject to the law of belligerent occupation up until the conclusion of the Civil War. This was the widely accepted customary international law, with the exception of the Nazi and Japanese militarist practices of World War II, and there is nothing in the Geneva Civilians Convention which changes it.

Fourth, the legal obstacle of the discredited "just war" concept which Dr. Blum relies upon must be raised. Dr. Blum and the Government of Israel claim the right to unilaterally categorize the opponent's title to land as being the result of aggression with the effect that civilians do not receive the protection of the international humanitarian law. If the humanitarian law were to be changed so that its application was made contingent upon recognition by the belligerent occupant of the justness of the war aims of its opponent, it is perfectly clear that the humanitarian law would be rarely, if ever, applied.

The fifth legal block to the acceptance of Dr. Blum's thesis is that it frustrates the entire humanitarian purpose of the Civilians Convention. Dr. Blum interprets the Convention as a treaty which is designed to protect governmental rights and particularly the right to dispute the de jure title to territory. In contrast, the governments represented at the Geneva Diplomatic Conference of 1949, including the Government of Israel, stated in the preamble to the Civilians Convention that they met "for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War." To attempt to avoid humanitarian protections for civilians by alleging the existence of nonspecified governmental rights is to turn the entire Convention upside down. Since the Convention was written by governments, it is clear that the governmental rights which Dr. Blum alleges to exist would have been specified in the Convention if the governments at Geneva had accepted their legal validity.

I hope, Mr. Chairman, that I have made it quite clear that I am in full and complete agreement with Dr. Blum with only two exceptions. One exception, sir, relates to the facts and the other to the law. [Laughter.]

Senator ABOUREZK. Other than that, you agree with him?

Mr. MALLISON. Yes, sir, only those two exceptions.

The United Nations, both through the General Assembly and the Security Council, has taken the position that the Geneva Civilians Convention must be applied in the territories occupied by Israel since June 1967. It is particularly important that the U.S. Government has

consistently taken this position. For example, Ambassador Charles Yost stated in the United Nations Security Council on July 1, 1969 that the Government of Israel was required by law to apply the Geneva Civilians Convention and added that the U.S. Government has "so informed the Government of Israel on numerous occasions since July 1967." I note here 61 Department State Bulletin. 76, July 28, 1969.

On November 11, 1976, while the Ford administration was still in office and after consultation with the recently elected Carter administration, the United States participated in a Security Council consensus statement concerning the law applicable in the occupied territories. In this unanimous action, the Security Council stated:

Its reaffirmation that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Arab territories occupied by Israel since 1967.

Therefore, the occupying power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard the measures taken by Israel in the occupied Arab territories that alter their demographic composition or geographical nature and particularly the establishment of settlements are accordingly strongly deplored. Such measures which have no legal validity and cannot prejudice the outcome of the search for the establishment of peace constitute an obstacle to peace. It considers once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations which tend to change the legal status of Jerusalem, are invalid and cannot change that status, and urgently calls upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem.

I think the language, Mr. Chairman, in the Security Council resolution concerning altering the "demographic composition" of the territories is very important. As we all remember, the U.S. executive branch strongly objected to the General Assembly resolution characterizing Zionism as a form of racism. The U.S. Government, by using different words, appears now, at least since November 1976, to agree with the General Assembly characterization of Zionism by using the words "demographic composition" rather than "racism." Of course, we have the authority of William Shakespeare for the proposition, Mr. Chairman, that "a rose by any other name is just as sweet."

By this action, the members of the U.N. Security Council were simply carrying out their obligations under the common article 1 which appears in each of the four Geneva Conventions of 1949 for the protection of war victims. This article provides in full: "The high contracting parties undertake to respect and to ensure respect for the present Convention in all circumstances." The obligation of the government and its officers and nationals to adhere to its international law agreements is commonplace. The words "and to ensure respect" were added at Geneva with the purpose of requiring state parties to the Convention to compel compliance by any state party which might be in violation of the Convention.

This obligation, which is particularly applicable to the United States and the other great powers, is a continuing one. Among the next steps which are available to the U.N. Security Council are the application of mandatory economic and military sanctions to the State of Israel as an international law breaker.

III. EXAMPLES OF PROVISIONS OF THE CIVILIANS CONVENTION WHICH ARE APPLICABLE IN OCCUPIED TERRITORIES

Since other witnesses are stating the facts concerning Government of Israel practices in the occupied territories, the present analysis is limited to a brief consideration of some of the main articles of the Civilians Convention which have been violated, along with a few explanations based upon the negotiating history.

It is a long convention and I am only going to use a very few examples specifically relevant to the subcommittee's interest.

Article 4 defines civilian protected persons in comprehensive wording as "those who, at a given moment and in any manner whatsoever find themselves, in a case of a conflict or occupation, in the hands of a party to the conflict or occupying power of which they are not nationals." This avoids leaving out any possible civilians.

Article 27 of this Convention provides:

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

The purpose of this is to prevent the discrimination of the type that Dr. Shahak told us about earlier this morning.

Article 33 states that:

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

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

The prohibitions of collective penalties and reprisals are substantive and are violated by the destruction of houses and villages even if termed "neighborhood punishment." It is highly significant that the Civilians Convention flatly prohibits governmental terrorism directed at civilians. Terrorism, whether conducted by government or non-governmental entities, causes the most severe deprivation of human rights including the right of life itself.

Article 49 of the Civilians Convention, as indicated by its negotiating history, was adopted in order to prevent a repetition of certain practices particularly associated with the Nazis. Article 49(1) provides:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

There are two exceptions to the language I have just read about deportations. Other provisions of article 49 allow "evacuation" of civilians under stringent safeguards if their security requires it or if it is made necessary by "imperative military reasons." These two situations are the only exceptions.

Article 49(6) provides:

The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

There are no qualifications or exceptions to this provision. As indicated by the negotiating history, one central purpose is to prevent creeping annexation by the "creation of facts" in occupied territory,

thereby prohibiting the repetition of well-known Nazi practices. This provision prohibits the Israeli settlements in any of the occupied territories including the West Bank, Gaza, the Golan Heights, and the Sinai.

Senator ABOUREZK. May I interrupt there?

Professor Blum's position was that so long as they did not displace anybody, they were legal under the Convention. Do you disagree with that?

Mr. MALLISON. I disagree with that definitely. I understood him to say, Mr. Chairman, that also was Mrs. Rita Hauser's position. I would like to take the opportunity to go on record as disagreeing with her also. Apparently, according to Mrs. Hauser, unless the Government of Israel has done exactly and precisely the same thing that the Nazis have done; that is, transferring its own civilians into the occupied territory to displace the existing indigenous population and then march that indigenous population off to concentration camps, where they all will be murdered, there is no violation of article 49(6).

The matter over-emphasized by Mrs. Hauser was one, but only one of the purposes of article 49(6). The comprehensive language of article 49(6) allows no exceptions regardless of the purpose of the occupying power in transferring its own population into settlements in occupied territory. There is no legal basis whatsoever upon which the settlements can be justified.

IV. THE INTERNATIONAL LAW APPLICABLE TO OIL RESOURCES IN OCCUPIED TERRITORY—THE HAGUE REGULATIONS

The international humanitarian law concerning belligerent occupation also applies to natural resources. As an example, a brief summary of its application to oil resources is included here. Articles 23(g), 46, 52, 53, and 55 of the Hague Regulations which are part of the Hague Convention IV of 1907 (1910) 36 Stat. 2277, T.S. No. 539—specify the limitations on the occupying power's rights over property in occupied territory. These provisions not only appear in a treaty of the United States but are now widely regarded as being a part of binding customary international law, including binding those States that were not members of the world community in 1907. They were so treated by the Nuremburg tribunals following the Second World War.

The Hague Regulations enunciate two basic legal principles concerning the protection of property in occupied territory.

These principles are that private property may not be taken without compensation and that property interests may not be exploited to enrich the occupying state, as by using oil from the occupied territory to fulfill the needs of the occupant's home economy. As interpreted by various municipal and international courts, the Hague Regulations do not permit Israel to take oil from producing wells without compensation and then exploit the oil commercially including using it for its own domestic purposes. This prohibited action is precisely what the Government of Israel has done with oil from the Sinai. At the most, the law of the Hague Regulations only permits that crude oil taken in the occupied territory be used for the military purposes of the occupant within the occupied territory. It is also clear under existing law that

Israel has no right to prospect for oil and to establish oil wells any place in the occupied territories. The belligerent occupant may only act as a "usufructuary" in relation to natural resources including oil, and this requires it to conserve the oil and make a full accounting for it to the lawful governmental and private owners of the oil resources as soon as the belligerent occupation is terminated.

A definitive study on this subject which concludes that the State of Israel has violated the applicable international law is: Edward R. Cummings, "Oil Resources in Occupied Arab Territories Under the Law of Belligerent Occupation," 9 *Journal of International Law and Economics* of George Washington University 533 (1974).

V. RECOMMENDATIONS CONCERNING ENFORCEMENT OF THE HUMANITARIAN LAW

I urge this subcommittee, the Senate Judiciary Committee, and the Senate to take all necessary steps to maintain the leadership of the U.S. Government in human rights law concerning international armed conflicts and belligerent occupations.

The United States should more adequately honor its treaty obligation "to insure respect for" the Civilians Convention in all circumstances. The Civilians Convention must be enforced fully and without discrimination in order to make its protection of human rights meaningful.

A most effective sanction, within the constitutional authority of the Senate and the Congress, would be to withhold military and economic assistance from any government which is in flagrant and persistent violation of the Geneva Civilians Convention for the protection of war victims.

Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you very much, Professor Mallison, for a very good exposition of the existing international law on this question.

Your statement has been exceedingly thorough and does not leave me very many questions to ask. You have responded virtually in full to the pronouncements by the previous witness, Professor Blum.

Other than the questions that I asked during the course of your testimony, I have no questions unless you have something else that you would like to say.

Mr. MALLISON. Mr. Chairman, Professor Blum has referred to aggression in his presentation. I would like to point out that the new Israeli prime minister, Mr. Begin, introduced massive terror into the Palestine-Israel conflict in the 1940's. Along with his fellow Europeans in the Irgun, he was responsible for a continuous series of terrorists attacks, many of which are described with pride by Mr. Begin in his book entitled "The Revolt: Story of the Irgun." Since 1948, Mr. Begin has advised the Government of Israel on many of its acts of governmental terror against Palestinians. This is the same Mr. Begin who has recently been a welcome visitor of the U.S. Government.

While Mr. Begin was in the United States, a distinguished Palestinian lawyer and scholar, Mr. Sabri Jiryis, who advocates peaceful solutions to the Middle East conflict, was denied a visa to come to this

country. I cannot help wondering, Mr. Chairman, if our Government is really aware that it is sending a message of encouragement to all terrorists in the world who aspire to emulate Mr. Begin, while discouraging moderates, whether Palestinians of Israelis, who are committed to peaceful methods.

Senator **ABOUREZK**. With that, I would like to once again express my thanks for a scholarly and thorough study of this question and for your presentation to the committee.

Without objection, the two attachments to your written statement will be included in the record at this point.

[The attachments follow:]

DOCUMENTS

צונדת
ארץ ישראל

בית אל, עפרה, כוכב השחר, יריחו
ג'ר' דודאים פסח
עלו-עלו-ונעלה

אומים
אומים

On Sunday, the third intermediate day of Pesach (April 18), participants will set out on the Great Yarned March. We will start from the staging area at Beit El between 9 and 10 a.m. After 10 a.m., vehicles will not be allowed to follow the march route, and the staging area will be closed.

NO NEED TO REGISTER

An explanatory sheet for marchers will be available at the Beit El staging area. It will give details of the route and the sites of interest in the area. Fill in the coupon attached to the explanatory sheet, and hand it in at one of the registration camps. In exchange, you will receive a participant's certificate.

Please see also in the press for details of transportation.

Bring your own food and water. Bring all the necessary equipment — including a heavy mood.

עלו — עלו — נעלו

Necessary equipment: Two full bottles of water; hand covering; strong, comfortable walking shoes; sleeping bag; torch; food for two days; toilet paper; warm coat; garbage disposal bags; travel money.

Owners of firearms and musical instruments are asked to bring them.

The March has the permission and protection of the I.D.F.
HAPPY PESSAH

March Headquarters **Gush Etzion**

Ad in Jerusalem Post, April 14, 1976

reprinted from MERIP #60

A Survey of Israeli Settlements



TRUTHS ABOUT SETTLEMENT

The following document is translated from the Jerusalem Arabic daily Al-Quds of June 5, 1977. Additional details have been added—in brackets and italics—based on research done by Ann Leach, who we kindly thank for her permission to print this previously unpublished research. Information added by MERIP is in brackets designated by "Eds." Abdullah Elsuayed translated the Al-Quds article for MERIP.

The struggle for possession of land has been a primary aspect of the Palestinian problem for the Zionist movement since its inception. In the first Zionist conference held in 1897, Professor [Hermann—Eds.] Zvi Schapira suggested the creation of a special national fund for the possession of land in Palestine.*

*The Jewish National Fund (Keren Kayemet L'Yisrael) was actually established in 1901 for the "reclamation" of land in Palestine. In the past two decades the JNF's activities have focused on propaganda, fundraising and facilitating "the establishment of frontier settlements that posed special agricultural and security problems." (Encyclopedia of Zionism and Israel)

This suggestion emphasized the prohibition on selling any piece of land belonging to this fund to individuals, even Jews. Seven years after the convening of the first Zionist conference in 1904, the Zionist philosopher Usishkin put the actual strategy of possessing the land as follows: In order to establish sectarian-independent life for Jews or, for clarity of expression, a Jewish state on the land of Israel, it is imperative that all the land of Israel, or at least the majority of it, should be in the possession of the Jewish people. Without the right to possess the land it cannot be "the land of Israel" irrespective of the proportion of the Jewish population in it.

Usishkin based his strategy for possessing the land on three points:

1. Seizure of land by war
2. Forcible purchases through the ruling authority (expropriation)
3. Voluntary purchases from its owners.

Upon the consequences of the June war of 1967, the military authority in the West Bank, Gaza Strip, Sinai Peninsula and the Golan Heights formed the so-called Israel Land Authority [ILA—Eds.] to supervise all matters connected with land problems and construction in these territories. Offices were opened for ILA in the major cities in the occupied territories and employees of ILA were appointed to coordinate with the military authority.

The Israel Land Authority began its work with survey operations in the occupied territories. These surveys had multiple objectives: ascertaining the area of state-owned territory, the area which the Jordanian Army controlled, and the area of land owned by absentees. The ILA drew up a statistical report about its work for the year 1968-69. It was obvious from this report that among the tasks delegated to the ILA were preparations for Jewish colonial settlement in the occupied Arab territories.

ANNUAL REPORT

The following is an abstract of the ILA yearly reports in the West Bank, Gaza Strip and Sinai Peninsula.

Annual Report 1970-71: West Bank—earmarking 42,650 dunums for the purpose of colonial settlement.

Annual Report 1971-72: West Bank—earmarking 3,850 dunums for the purpose of colonial settlement. The Gaza Strip and northern Sinai—24,000 dunums for colonial settlement.

Annual Report 1972-73: Gaza Strip and northern Sinai—3,000 dunums for the improvement of three Jewish settlements.

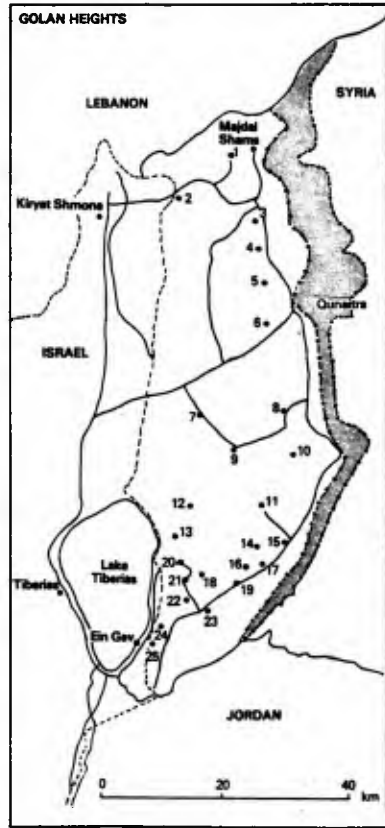
Annual Report 1973-74: West Bank—earmarking 8,807 dunums for colonial settlement.

Annual Report 1974-75: West Bank—earmarking 10,722 dunums for colonial settlement. Gaza Strip and Sinai Peninsula—expropriation of 13,400 dunums in the environs of Rafah for colonial settlement.

Annual Report 1975-76: West Bank—earmarking 1,653 dunums for colonial settlement. Gaza Strip and Sinai peninsula—10,820 dunums [for colonial settlement—Eds.]

COLONIAL SETTLEMENT IN THE GOLAN HEIGHTS

The Golan Heights is approximately 1,400 square kilometers, or 1,400,000 dunums; if the occupied areas in Mount Hermon and Ghoar Al-Haneh are included the total area is 1,190 square



- | | |
|-------------------------------|-----------------------|
| 1 Mevo Adiv | 17 Nov |
| 2 Sfir | 18 Osehur |
| 3 Har Odem | 19 Eli Al |
| 4 El Rom | 20 Ovat Yo'av |
| 5 Merom Golan | 21 Merkaz Bnei Yehuda |
| 6 Ein Zivan | 22 Na'ot Golan |
| 7 Katzrin (Industrial center) | 24 Kfar Haruv |
| 8 Kadesh | 25 Mevo Hamme |
| 9 An'iam | |
| 10 Yonatan | |
| 11 Sha'al | |
| 12 Oamla | |
| 13 Ramot | |
| 14 Merkaz Hifnin | |
| 15 Ramat Maghdimin | |
| 16 Avni Eitan | |

International borders

Armistice Line (1949)

Buffer zone [after Israel-Syria Disengagement Agreement, May 1974].

Source: Ann Leach

kilometers. Geographically the Golan Heights can be divided into three sectors: north abutting Mount Hermon, central, and southern Heights overlooking Lake Tiberias [Sea of Galilee -Eds.]

There are 10,000 Arab peasants living in the Golan Heights in four villages: Majdal-Shams, Baakata, Massadah and Ain Keena. *Most of the 10,000 are Druze; before the Israeli occupation about 130,000 Syrians lived in Golan.*

The number of settlements existing and planned for in the near future is 24: six in the north, four in the central sector, and 14 in the southern part of the Golan Heights. The large concentration of settlements in the south is due to the fertility of the land and the availability of water. Up to 1974 Israel exploited 50,000 dunams for agricultural settlement and it plans to exploit an additional 140,000 dunams for agricultural objectives and 400,000 dunams as natural grazing area for the settlers' flocks. There are 3,500 Jewish settlers in the Golan Heights living in 1,200 housing units secured against light weapons. The significance of these settlements is due to the strategic position of the Heights. This has been repeatedly proven during the October 1973 war when Israel let the Egyptians advance in Sinai but did not tolerate the penetration of the Syrian forces in the Golan Heights because it threatens major Israeli cities.

The following is an abstract of the settlements which were established in the Golan Heights.

1. El-Ad: erected in 1968 in southern Golan on the site of the Arab village of el-AI, and originally called by that name. In 1973 this settlement was expanded and its name changed to El-Ad. The area of this settlement is 4,500 dunams.

2. El-Rom: erected in 1971 on the Kuneitra-Massadah road, on the site of the Arab village of Ain Hawar, in the northern sector. The area of cultivated land is 4,800 dunams, and recently a small fishery reservoir was established on another 400 dunams. This [kibbutz?] is affiliated with the Labor Party.

3. Afik: this was the first settlement established in the Golan Heights after the June 1967 war, under the name of Nahal Golan, on the site of the Arab village of Fiek. In January 1968 it was enlarged and renamed Afik. The area of the settlement is 4,500 dunams, and it is affiliated with the Labor Party.

4. Ein Zivan: established on the site of the Arab village of Ain Za'vion on the road to Kuneitra. The total land area is 5,000 dunams. *This kibbutz cultivates fruit orchards.*

5. Ani'am: established in 1973, it is an industrial settlement for Jews from the US. It is located close to the Arab village of Al-Rumanah.

6. Keshet: this settlement was relocated after the 1974 disengagement agreement with Syria and is now a military camp on the Golan Heights. The settlers perform agricultural work and administrative tasks for the military.

7. Ramot: founded in 1969 and enlarged in 1974, this settlement is near the Arab village of Kufir A'Kab. Its area is 4,000 dunams.

8. Ramat Maghbirin: erected in 1968 and expanded in 1972, the area of this settlement is 4,500 dunams. It is a

*A kibbutz is a collectively owned and run, primarily agricultural, civilian settlement.

*HaPoel haMizrachi was founded between the two world wars as a religious labor movement. In 1956 it merged with Mizrahi, a religious Zionist movement, to form the conservative National Religious party, a vociferous proponent of Jewish settlement throughout "Eretz Israel" within the present Israeli government coalition.

religious kibbutz] belonging to the haPoel haMizrachi movement.*

8. Snir: founded near Tal Al-Hamrah after it was cleared of mines in 1967, this settlement is 2,000 dunams of grazing area for the settlers' animals and an additional 2,000 dunams for the settlement itself.

10. Givat Yo'av: established in 1968 in the houses of the Arab village of Sa'kufia in the southern part of the Golan Heights. This settlement was enlarged in 1972 and the present area is 4,500 dunams.

11. Nahal* Geshur: founded in 1968 and relocated to its present site after the 1974 disengagement agreement with Syria.

12. Kafr Genat: established in 1971 near the Arab village of Sa'kufia, east of Lake Tiberias, this settlement belongs to the haPoel haMizrachi movement.

13. Kfar Haruv: erected on the site of a Syrian military camp, overlooking Lake Tiberias. This settlement was enlarged in 1974 and has an area of 2,900 dunams.

14. Mevo Hanna: established in 1968 on the site of the Arab village of Hamah near a Syrian position. This settlement has an area of 4,500 dunams.

15. Merom Golan: erected in 1967 on the site of a Syrian military camp south of Kuneitra, and enlarged in 1972. This settlement has an area of 4,500 dunams and belongs to the haKibbutz haM'uhed movement.* *The approximately 360 kibbutz members (as of spring 1975) raise potatoes, apples, tulips and cattle.*

16. Bnei Yahuda Center: this settlement provides services to the settlements in the southern Golan Heights. It was founded in 1972 and has industries for the Air Force.

17. Ne'ot Golan: founded on the site of the Arab village of Fik in 1968, this settlement has an area of 4,500 dunams and belongs to the Independent Liberal Party.

18. Nov: established on the site of the Arab village of Mez'Ra'at Noob in 1973, this settlement has an area of 4,000 dunams.

19. Neve Atziv: founded on the site of the Arab village of Jofta Az-Ziat in 1968 under the name of Ramat Shalom, this settlement was expanded in 1971 and belongs to the Independent Liberal Party. It includes a ski resort on the top of Mount Hermon. *It was abandoned during the October 1973 war, but has expanded quickly since the summer of 1974, including a ski-station, snow equipment and a sports club. Development funds come from the World Zionist Organization, the Israeli Tourism Ministry and the Government Tourist Company; 70% of the moshav's* income comes from tourism and skiing.*

20. Her Odem: founded in 1975 near the Druze village of Bak'Ata, this settlement was taken over by the Independent Liberal Party in 1976. Some of the settlers work in the electronics industry and others in tourist-related jobs.

21. Yonatan: established in 1975 near the Arab village of

*A nahal is a para-military settlement, run by the Israeli Defense Forces to provide agricultural as well as military training for soldiers.

HaKibbutz haM'uhed or United Kibbutz movement founded Abdul 'Aouda (United Zionist Labor) party in 1944, which merged with HaBnei HaTeva to form the Mapam (Labor) party in 1948. HaKibbutz haM'uhed's original purpose was to "utilize . . . collective . . . settlement for large-scale absorption of workers"; it is still an influential proponent of settlements within the Labor Party. (*Encyclopedia of Zionism and Israel*)

*A moshav is a cooperative agricultural settlement based on private ownership of land leased by the JNF, and joint marketing and ownership of large machinery.

Kukah, in the southern sector of the Golan.

[22. Missing from original text—Eds.]

23. Katzrin: a settlement center in the central region of the Benat Yakoub bridge-Kuneitra road. It is expected that this settlement will accommodate 20,000 Israelis and will have an industrial area.

24. Sha'al: a civilian settlement founded in 1978 belonging to the Herut Party.* Vegetable fields and a factory are being established.

COLONIAL SETTLEMENT IN THE WEST BANK

From 1967 to the present Israel has been establishing settlements along three lines in the West Bank and the Jordan valley. The first line is on the Jordan valley's eastern border (along the Jordan River) to the Dead Sea. The objective of this line is the creation of civilian settlements to complement the military positions and settlements which are scattered on that front. The second line is located on the eastern plains of the Nabus mountain range. The third line is located on the borders of the West Bank and Israel. This line separates the Arab villages in the northern West Bank from the Arab villages in the Triangle region [of 1948 Israel—Eds.]. By 1976, 15 agricultural settlements had been created and linked by highways in the Jordan valley.

JERUSALEM

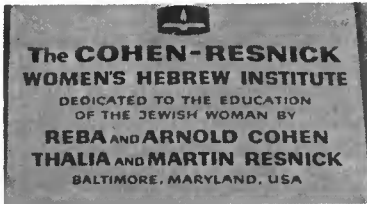
Israel ranks the Judaization of Jerusalem at the top of its settle-

*The party of Prime Minister Begin.

ment priorities. Israel is in a race with time: it knows that the Arab character of Jerusalem is a key factor in the course of a total settlement [of the Middle East situation—Eds.]. Therefore, Israel is attempting to create facts in Jerusalem. Israel legislated an assortment of laws and regulations, such as the law to increase the Jewish population of Jerusalem, in addition to establishing residential areas surrounding the city. This was done to close off Arab access to Jewish neighborhoods. Israel also created nearby settlements in the West Bank to be the backbone for Jewish residential areas which surround Jerusalem. For example, the settlement of Kafr Etzion is the backbone for the residential neighborhood south of Jerusalem near Bethlehem and Beit Jala, the residential neighborhood of Talplot, and Har Gila settlement near Beit Jala, as well as housing units planned for the Mount Ar-Ras (Jebel Ar-Ras) region.

The area of Al-Khan Al-Ahmer (Meale haAdumim) on the Jerusalem-Jericho road, is considered the backbone for the established residential neighborhoods east of Jerusalem north of Jebel Al-Tur. This settlement is called Har HeTzofim [Mount Scopus—Eds.] and is linked to the Hebrew University and Hedassah Hospital.

Neve Yeacov and Nebi Samuel [Ramat settlement] and the designated settlement on the site of the Arab village of Jebe', northeast of Jerusalem, are considered the backbone for the newly-built residential areas, French Hill and Ramat Eshkol, north of Jerusalem. Israel is also planning to exploit 1,100 dunams from the village of A'nata for the establishment of an industrial complex capable of accommodating factories for both parts of Jerusalem.



The Judaization of Jerusalem





Top left: sign in Hebron
 Top right: fortress-like buildings in Kiryat Arba
 Bottom left: Kiryat Arba settlers in 1970
 Bottom right: Kiryat Arba dominates expropriated Palestinian land.

WEST BANK

1. Kafr Etzion: established in [September] 1967 on the remnants of a village eliminated on May 13, 1948. It is one of four religious settlements on the Jerusalem-Hebron road, has an area of 1,000 dunums and belongs to the haPoel haMizrahi movement. *This was the first settlement on the West Bank; from 1948 to 1967 it was the site of a Jordan army camp. Its economic base is a factory and turkey run. In spring 1975 the population was 200.*

2. Alon Shvot: established in 1970 in the area of Kafr Etzion near Kharbat Zakaria. It has an area of 500 dunums and another 600 dunums are being prepared for 200 housing units. *Like Kafr Etzion it is a religious kibbutz; in the spring of 1976 its population was approximately 300.*

3. Elazar: created in [October] 1975 in the Kafr Etzion region for the establishment of light industries. *It is a religious moshav with a chemical laboratory and a projected toy factory. In spring 1976 there were 90 residents; its land includes 350 dunums expropriated in 1973 from the Arab village of Hader.*

4. Rosh Tzurim: the fourth settlement in the area of Kafr Etzion, founded in [July] 1969. It has an area of 800 dunums. *It is a religious kibbutz of about 150 residents, and its economic base is a turkey run.*

5. Kiryat Arba: founded [illegally] in [April] 1968 by four Jewish families in two buildings near the building of the military governor for the Hebron area. This settlement has an area of 3,000 dunums and a population of 1,400 in 200 hous-

ing units. Its economy depends on industry and tourism. *It was legalized in 1970.*

6. Elon Moreh (Kaddum): Israelis [of the Gush Emunim movement—Eds.] tried several times to settle in a vacated train station near Sabastia, but the government prevented them. On May 8, 1978 a ministerial ruling permitted them to relocate at an army camp near the Arab village of Kafr Kaddum where a settlement is being established especially for them. [This settlement was legalized by Prime Minister Begin on July 26, 1977—Eds.]

7. Argaman: established in [November] 1968 in the northern region of the Jordan valley near the Arab village of Marj e-Naj'a. It became a civilian [moshav] in [May] 1971, with an area of 4,500 dunums, linked to the Herut party. *Its population of approximately 90 grows fruit and vegetables and runs a restaurant.*

8. Baka'ot: founded in [July] 1972 in the Jordan valley. It belongs to the Agricultural Union [Ihud Haklai'] and has an area of 1,800 dunums with an additional 300 dunums for the cultivation of citrus fruits [and vegetables]. *This moshav also raises poultry.*

9. Gilgal: founded in [January] 1970 [as a nahal] near the village of al-Awja, and changed to a civilian settlement in

**Ihud Haklai or Agricultural Union is a "nonpolitical organization of farmers working their own family farms, [which] assists its members in establishing and consolidating their farmssteads and helps organize economic and social life in middle-class agricultural settlements." (Encyclopedia of Zionism and Israel)*

[May] 1973 with a land area of 1,400 dunums. *They grow vegetables and citrus fruits.*

10. Gitt: established in [August] 1972 [as a nahal] on the plains of the eastern Nablus mountain range. In [December] 1975 it was enlarged and became a civilian settlement with an area of 1,500 dunums. *This moshav belongs to the Herut party; its economic base is the cultivation of vegetables and field crops. Its land was expropriated from the Arab village of Akrahe from which 5,000 dunums was closed off and sprayed with defoliants in early 1972.*

11. Har Gila: founded in 1968 in an army camp near the Arab village of Beit Jala. It was later expanded and more buildings added; it belongs to the Nature Conservation organization. The Israeli government is now planning to again expand this settlement to accommodate 200 families, making it a link between Jerusalem, Kafr Etzion and the Bethlehem-Beit Jala highway junction.

12. Hamra: created in [May] 1971, 26 kilometers east of Nablus on the Damiya bridge road. Its area is 3,500 dunums. *This moshav has about 90 residents who raise vegetables, citrus, flowers, poultry and have a metal workshop; and are members of Ihud Hekhal. Its land was taken from the Arab village of Bab a-Nakh.*

13. Mevo Horon: founded near the Arab village of Beit Nuba in 1969 and expanded in 1974. This settlement is agricultural, particularly the cultivation of olives, with an area of 2,700 dunums. *It is a religious moshav of about 50 residents.*

14. Mivshom: presently under construction in the Jordan valley; the settlers are temporarily housed in Nahal Kaliah camp.

15. Mahola: established in the Jordan valley [as a nahal] in [February] 1969, and expanded and converted to a civilian settlement in [November] 1969. It has an area of 3,000 dunums and is linked to the haPoel haMizrahi movement. *The 90 or so settlers raise field crops, grapefruit, turkeys and have a metal factory. Its land was taken from the Arab villages of Bardala and Tal el-Beida, both of whose water supply is severely depleted by Mahola's wells.*

18. Masla haAdumim: founded in 1975 near the Arab village of el-Khan el-Ahmar, 15 kilometers east of Jerusalem. A military-industrial base was established on the 400 dunum settlement. *The original settlers (numbering about 60) were from the Gush Emunim movement, but plans for this industrial area include housing for 2,500 Jewish workers. In 1972 the Israel Defense Force closed off 70,000 dunums of land in this area and more expropriations followed in mid-1975 from the land of the Arab villages of Abu Dia, Azariya and Isawiyra.*

17. Maale Ephraim: presently under construction [as a regional center] in the Jordan valley. *The settlement was originally founded in July 1972 by Phatza'el settlers who stayed until mid-1957. A temporary maintenance group came in 1976 to continue construction.*

18. Mitzpe Shalem: founded in [December] 1970, five kilometers from the Dead Sea, with an area of 200 dunums. *This nahal cultivates date palms and vegetables and runs a garage.*

19. Massuah: established [as a nahal] several kilometers off the highway junction of Damiah bridge-Nablus-Al Jiftlik in the Jordan valley. It was expanded and converted into a civilian [kibbutz] in [May] 1974; its area is 4,000 dunums with another 600 dunums added recently. *Its 80 settlers, affiliated with the Independent Liberal party, raise vegetables and fish.*

20. Mekhora: established in 1972 on the eastern plains of the Nablus mountain range on an area of 1,500 dunums. *In July 1976 this nahal was converted to a civilian moshav, part of Ihud Hekhal, which raises vegetables and fruit. Its land was expropriated from the Arab villages of Bab a-Nakh, Beit Dajan and Beit Furik.*

21. Na'arsan: founded in [December] 1970, 10 kilometers north of Arieah, on an area of 100 dunums. *This nahal was converted to a civilian kibbutz in October 1976 and it now goes by the name of Yitav. It grows vegetables and field crops; its land was expropriated from the Arab villages of Awja Fewka and Awja Tahta.*

22. Netiv Hagdud: presently under construction in the Jordan valley.

23. Ofra: founded [illegally] in [May] 1975 in [a former Jordanian] army camp northeast of Ain Yezrud on 250 dunums [of this village's land]. This settlement belongs to the Gush Emunim movement [and had about 100 people in the spring of 1976]. [It was legalized by Prime Minister Begin on July 26, 1977—Eds.]

24. Phatza'el: established in the Jordan valley in [December] 1970 and expanded in 1975. Its area is 3,000 dunums and belongs to the settlements movement. *The members of this moshav, who lived at Maale Ephraim until April 1975, grow winter vegetables for export. There are about 40 families in residence.*

25. Kalia [Almog]: created in [February] 1968 [as a nahal] and enlarged and converted into a civilian [kibbutz] in 1974, located on the road northwest of the Dead Sea. *The settlers raise vegetables, trees, turkeys, vineyards, and fish.*

26. Efrat: the ILA is preparing a study for the establishment of the Efrat Settlement Center in the area of Bethlehem.

SETTLEMENTS IN SINAI AND GAZA STRIP

SINAI

Despite the fact that it is an uninhabited desert and has obvious need for a natural [water—Eds.] source, Israel appears determined to seize one-third of the Sinai's 24 thousand square miles. Israel's desire to retain this part of the Sinai is both strategic and economic, as petroleum is found near its shores. Israel has established a number of settlements, military installations and other big projects which form an arc stretching from the port of Rafah in the central region to the village of Tur on the Gulf of Suez. This arc resembles a national frontier.

There are 17 Israeli settlements at the northern end of the arc, overlooked by Yamit, the settlement center. Yamit has inhabitants who travel to Israel for work. The economic bases of the Sinai settlements are agriculture, tourism, and military industries. In 1976 a plan was approved for the development of the southern region. The Zionist Histadrut foundation presented a plan to the government for the creation of 110 settlements between Yamit and BeerSheva.

The following is an abstract of the settlements in the Sinai.

1. Ofra: founded in southern Sinai near Sharm el-Sheikh in 1967 under the name Sharm el-Sheikh Center. In 1970 work began on the construction of a tourist center. There are now three tourist hotels, several restaurants and a plan to settle 1,000 families by the end of 1977.

2. Di-Zahav: established in 1971 near the Arab village of Al-Dhabab on the eastern coast of the Sinai. This settlement



THE WEST BANK

Source: Ann Lesch

Key: Armistice Lines (1949) - - - - -
 International boundaries ———
 Allon ("limit of settlement") Road - · - · - · -
 0 20 40 km

- | | |
|-----------------------------|---|
| 1a Nahal Malki Shus | 31 Beitel (military government HQ) |
| 1 Maholis | 32 Kaddum |
| 2 Nahal Rot | 23 Mevo Horon |
| 3 Beka'ot | 24 Canada Park |
| 4 Hamra | 25 Mitzpe Shalem |
| 5 Nahal Makhora | 26 Takoa |
| 6 Arsgeman | 27 Elazar |
| 7 Airfelle | 28 Rosh Tzurim |
| 8 Masuiah | 29 Alon Shvot |
| 9 Githi | 30 Kfar Etzion |
| 10 Ma'ale Ephraim | 31 Kiryat Arba |
| 11 Phatza'i | 32 Alarot |
| 12 Tover | 33 Newe Ya'skov |
| 13 Gilgal | 34 Remot |
| 14 Netiv Hagedud | 35 Anatot (or Anata) |
| 15 Shivson | 36 Ramat Eshkol |
| 16 Nahal Na'aran (or Vitav) | 37 French Hill |
| 17 Kochav Ha'Shahar | 38 Olio |
| 18 Katsi | 39 East Talpilot |
| 19 Ma'ale Ha'Adumim | 40 Jewish Quarter in Jerusalem Old City |
| 20 Ofar | |

has a strategic importance: it is located on the highway junction between Sharm al-Sheikh (to the south), St. Catherine Monastery (to the west) and Eilat (to the north). It is affiliated with the Independent Liberal Party.

3. Dikla: created in [May] 1969 on the plains of Rafah and enlarged and converted into a civilian settlement in 1971. This settlement is also strategically located between the Egyptian and Palestinian frontier, at the entrance of the Sinai from the Gaza Strip near Tal al-Sheikh Zuwa'id. Its area is 2,500 dunums and it is affiliated with the Herut Party.

4. Yamit: founded on the plains of Rafah in 1973 and expanded in 1975. It is a big settlement center with a population of 850 [largely army families and Russian and US immigrants], providing services to the other settlements in the area. There are 250 housing units and the government is preparing 2,000 additional housing units. It is considered one of the tourist attractions in the area. Plans for Yamit include a population of 260,000, an international airport, railway station, commercial port, and electronic-based industries. Over 30,000 bedouins formerly lived in the area, but were removed for "security reasons."

5. Av-Shalom: a settlement center founded on the plains of Rafah in 1972 and later enlarged to accommodate Soviet Jews.

6. Nevot: established to the west of the Arab village of Nedibah on the Eilat-Sharm al-Sheikh road in 1971 and expanded in 1972. Its area is 2,500 dunums and it is an agricultural-tourist center linked to the settlements movement.

7. Nahal Harofit: founded in 1975 near al-Arish on the site of an Arab well. It belongs to the Bitar movement of the Herut Party. Keren Kayamot is now preparing to enlarge the settlement.

8. Nahal Yam: founded in [October] 1967 between al-Arish and Kantara. In 1973 it was converted into a civilian settlement, belonging to the Agriculture Union, [and supported by the Jewish Agency].

9. Nahal Sinai: established in 1967, eight kilometers south of al-Arish on land the Egyptian government was planning for agricultural development. It was settled in 1972 by the Herut Bitar movement on an area of 150 dunums. The 50 or so settlers cultivate olive and citrus groves which had been planted by the Egyptian government.

[10. Missing from original text—Eds.]

11. Netiv Ha'sarah: created in 1973 with seven agricultural buildings on 200 dunums for mango cultivation.

12. Sadot: established in 1971 on 1,500 dunums of the Rafah plains. As of spring 1975, 52 families, almost all native born Israelis, lived in this moshav. The Jewish Agency selects all new members and it, along with the JNF, invests 250,000 Israeli liras (about \$25,000) per family for such things as houses, agricultural equipment, roads. They raise vegetables, flowers, mangoes and turkeys.

13. Shaihevet: founded on the west coast of the Sinai in 1971 on the site of the Egyptian village of Abu-Ruda's, which was also the original name of the settlement. It was linked to the Israel Petroleum Company (Netive-Neft) and was returned to Egypt on December 1, 1975 as part of the second Sinai disengagement agreement.

14. Ugdas: [a moshav] established in 1975 on 2,400 dunums on the Rafah plains.

There are preparations for the establishment of the following settlements on the Rafah plains: Succoth, Nir, Avra-

hem, Talme-Yousef, David and Houllt. [The cornerstone of Telme-Yousef was laid on July 27, 1977. The settlers are recent immigrants from South Africa; according to the *Jewish Telegraphic Agency* (July 29, 1977) each family will invest \$15,000 to establish orchards for sub-tropical fruits and sunflowers—Eds.]

GAZA STRIP

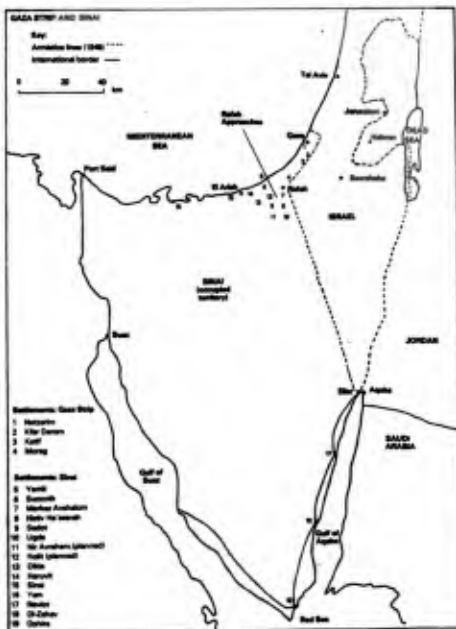
15. Kfar Darom: founded in Wadi Salka in [December] 1970 and converted into a civilian settlement in 1975. It has an area of 400 dunums and is linked to the haPoel haMizrahi movement.

16. Nahal Morag: established in [November] 1972 between Khan Younis and Rafah near Tel Mubah. *It is affiliated with the Labor Party.*

17. Nahal Netzarim: founded in [November] 1972 between Gaza and Deir Al-Balah, near Tel al-A'gul and Al-Nasriet camps. Its area is 4,000 dunums. *It is affiliated with the Harut Party.*

18. Nahal Al-Kativ: founded under the name Nahal Gadish in [May] 1973, between Dair Al-Balah and Khan Younis. Its area is 150 dunums and it is linked with the Mapam Party.

Sources for Al-Quds article:
Aharon Bier, *Development and Settlement*, Jerusalem, 1976; Yearly Report of I.L.A., 1968, 1976; *Time* magazine, March 1977; Baruch Kimmerling, *Struggle Over the Lands*, Hebrew University; Publications and maps of the Government Information Office, Jerusalem.



Source: Ann Lesch

Top: constructing Yamit
Middle: lookout at Sinai border
settlement
Bottom: Israelis withdrawing
from Abu Rudais



MERIP REPORTS



Middle East Research & Information Project

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DOCUMENTS

Israeli Settlement Policy

On July 26, 1977, Israeli Prime Minister Menahem Begin declared "legal" three new settlements on the occupied Palestinian West Bank: Kaddum, Ma'ale Ha'Adumim, and Ofra. Although this act, coming just after Begin's US visit, has been criticized by the US administration, it is only the most recent manifestation of a consistent Israeli policy of building settlements in the territory occupied in 1967. The following documents taken from the Israeli media outline the stated policy and some of the specific settlement plans of both the former Labor government and the new Likud government in Israel.

Partial list of Israeli Settlements on the West Bank

- 1a Nahal Malki Shus
- 1 Nahole
- 2 Nahal Ro'1
- 3 Baha'ot
- 4 Hadera
- 5 Nahal Makhora
- 6 Argaman
- 7 Airfield
- 8 Masusah
- 9 Gili
- 10 Ma'ale Ephraim
- 11 Pithatze'i
- 12 Tomer
- 13 Gilgal
- 14 Netiv Hagdud
- 15 Mivsum
- 16 Nahal Na'aran (or Yitav)
- 17 Kochav Ha'Shahar
- 18 Kalia
- 19 Ma'ale Ha'Adumim
- 20 Ofra
- 21 Beitel (military government headquarters)
- 22 Kaddim
- 23 Mivvo Horon
- 24 Canade Park
- 25 Mitzpe Shalem
- 26 Takoah
- 27 Elazar
- 28 Roeh Tzurim
- 29 Alon Shvot
- 30 Kir Elzion
- 31 Kiryat Arba
- 32 Atarot
- 33 Neve Ya'akov
- 34 Ramot
- 35 Anatot (or Anata)
- 36 Ramat Eshkol
- 37 French Hill
- 38 Gilo
- 39 East Talpote
- 40 Jewish Quarter in Jerusalem Old City



Key: Armistice Lines (1949) - - - - - International boundaries ———
 Alon ("limit of settlement") Road - · - · - · 0 20 40 km

CABINET HEARS STATISTICS ON JEWISH SETTLEMENTS

The intention to establish an urban settlement in the Gush Ezion area was reported by the director general of the Zionist Organization's settlement division, Yehiel Admoni, at this week's cabinet session.

He delivered an inclusive review about the settlement issue, in which he noted that there are four settlements in Gush Ezion, with an urban settlement intended for Teqoa, which is now a military foothold (that was established about a year ago and is manned by Nahal men). Admoni reported that the agricultural settlements in Gush Ezion base themselves on land which in the main lies in areas bordering on the green line [1948 border]. The settlement division director general said in his review there was a plan to establish two settlements in the Bet Horon area and about five settlements in the Givan area—northwest of Jerusalem.

Since the six day war, Admoni said, 94 settlements had been established, including 64 beyond the green line—in the Golan 21 settlements had been established along with four military footholds. The Jordan Valley saw the establishment of 17 settlements, out of which 13 are permanent settlements. Rafah and the Geze Strip had nine settlements and five Nahal footholds. Merhav Shelomo had five settlements. Likewise, two footholds (in Kokhav Hahahar end Teqoa) and three urban settlements were set up in Judea and Samaria (the West Bank). The settlement division director general noted that on the Golan Heights all agricultural settlement possibilities had been exhausted—anything that would be set up in the future, he said, would have to be on an industrial basis.

Admoni added that in the Jordan Valley (from Bet Sha'en down the Ein Ged) there are 150,000 dunams of arable land in areas with no Arab villages. The main problem was, he said, the perpetual lack of water.

All the settlements beyond the green line number 6,500 souls, plus a little less than 1,000 in Qiryat Arba. To date about 2.8 billion Israeli pounds [about \$350 million] have been spent on settlements in the territories, Admoni added. Housing Minister Avraham Ofer noted in the course of that cabinet meeting that 95 apartments had been offered for sale in Qiryat Arba, while only 19 applications had been received. Mr. Ofer said that contrary to the low demand in Qiryat Arba, there was a great demand for apartments in Yamit.

Justice Minister Chaim Tsadok, who is also chairman of the ministerial committee for Jerusalem, said that in 1968 there had been 275,000 residents in Jerusalem, out of which 204,000 were Jews (74%). In 1975 the number of residents in Jerusalem was 365,000, out of which 259,000 were Jews (72.6%). The increase in the Jewish sector was by 26% and in the non-Jewish sector by 35%, said Tsadok. The justice minister went on to say that there were various plans on expanding residential settlement in Jerusalem, but differences of opinion existed in the ministerial committee.

Source: *Yehuda Litani, Ha'aretz, May 12, 1976, in Foreign Broadcast Information Service (FBIS), May 13, 1976.*

YIGAL ALLON ON SETTLEMENTS

Q: Does the Cabinet have a clear overall policy regarding settlements beyond the green line? The impression is that decisions are being randomly adopted. What do you think?

A: If you ask me whether the Government of Israel has ever adopted an inclusive conceptual resolution on where to settle and where not, I'll tell you: such a plan has never been approved. However, if you sum up the empirical behavior of the Government of Israel in determining the points of settlement, you'll find that they add up to a concept: that is, settlements are placed in strategically important areas along existing borderlines or in the vicinity of areas likely to become border lines in the future. The areas where we settle have no Arab residents and we are not evicting Arab settlements in order to replace them with Jewish ones. The truth is that I'd like to see a faster rate of settlement and bigger settlements in those areas which we are settling and with which I am in agreement. I must say, at the same time, that in recent years a laudable settlement plan has been carried out. Dozens of settlements have been set up, but I prefer not to mention numbers.

Q: Is a situation liable to be generated where the government would decide to remove permanent settlements?

A: A government that sets up settlements is interested in their permanent existence. At the same time, however, I'm not ruling out the possibility that we shall have very great debates about one point or another. I can even foresee a total debate about the entire settlement issue; settlements are, in my view, one of the greater levers in our political struggle over the demarcation of defensible borders within the framework of a peace treaty. I see in these settlements, if they are deep-rooted and properly formed and organized, a great contribution to the security of the state, both regarding the day-by-day tactical aspect, as well as the task of a well-fortified territorial defense in the context of Israel's defensive deployment.

Demographically, the future map of Israel must insure the state's Jewish character, even if it will always include a considerable Arab minority enjoying full equality of rights. I'd like Israel to be in firm strategic control of the Golan Heights, even if we come to terms over Judea and Samaria with a view to an Arab solution to the territories densely populated by Palestinian Arabs. We have to have control over the Jordan Valley from the hilltops, which are completely desolate, and over the Judean desert down to Qiryat Arba east of Hebron. I'd be very glad to see the southern Gaza Strip and the Rafah Approaches become an area pulsating with Jewish life, thus constituting a barrier on the historical road of invasion from the land of the Nile. ... I'd say that I'm striving for a solution that would give us a complete country strategically and a complete country from a Jewish national standpoint and at the same time provide an honorable answer to the Arab Palestinian factor.

On Kaddum

If they were to invite me to talk with them I would willingly agree in order to try and persuade them that they are causing damage to the settlement ideal and that they belong to those

damage to the settlement ideal end that they belong to those who are standing in the way of the settlement that we so very much need in outlying, strategic and essential areas end that they are largely responsible for placing the problem of settlement on the table of international deliberations, something that we have avoided for consecutive years.

Sources: Interview by Refa'el Bathan, Yedi'ot Aharanot, May 14, 1976, in FBIS, May 17, 1976; statement on IDF Radio, August 31, 1976, in FBIS, September 1, 1976.

MOSHE DAYAN ON WEST BANK, GAZA, JEWISH SETTLEMENTS

Former Defense Minister [present Foreign Minister] Moshe Dayan called yesterday for an arrangement whereby Jews and Arabs would live together in the administered territories, with the Arabs remaining Jordanians and the land remaining under Israeli control.

Speaking to Moshav movement members of his Labor Party [Dayan left the Labor Party when he joined the present Likud government], the Knesset member said the decision on what to do about the territories was the most important one facing Israel since the founding of the state. The decision has to be taken now, Dayan stressed, not left for some messianic time when peace might come. In a swipe at Professor Yigal Yadin (head of the DMC party in the 1977 elections, which refused to join the ruling Likud coalition, see *MERIP Reports*, no. 58), who has said Israel should make big withdrawals in return for peace, he said: "Yigal Yadin claims he does not believe peace will come in his lifetime. Then let him come out and say what he believes must be done in his lifetime, and more important, during the next year." He stressed that Israelis were in the territories by right, not as conquerors.

Asked what his map of Israel looked like, Dayan answered that he was for giving the Arabs in the territories self-government and letting them have or keep Jordanian citizenship. But the IDF should be the only army in the area and Jews should be free to settle. The Gaze Strip would be entirely Arab, but there should be Jewish settlements in Pithat Rafah, Sherm as-Sheikh and the West Bank—on the top of the ridge, not just in the Jordan Rift (as under the Allon Plan). These settlements must be made by government decision, however, and not in a haphazard way.

Questioned whether the Arabs would agree to this, he replied that if we had to do things according to the desires of the Arabs we could pack our bags and go to Canada. Dayan then emphasized his point again: "I am not talking about a partition, but of finding a modus vivendi with the IDF in control. It is not an ideal plan but it is one you can live with. It is also not an easy decision to take, but it is one that must be taken as soon as possible, otherwise without our knowing it another 10 years can go by. This decision is important also so that we can activate settlement policies in the West Bank. It is also important for ourselves, to emphasize that we are not foreigners in the West Bank. Judea and Samaria is Israel and we are not there as foreign conquerors but as returners to Zion. An Israeli citizen shouldn't have to request a visa from Mayor Jabari to visit Hebron."

Source: Excerpts from Jerusalem Post, July 15, 1976, in FBIS, July 15, 1976.

THREE PLANS FOR "FATTENING" JERUSALEM

The loud and repeated words about the need for "fattening" Jerusalem—a concept recently invented—can still be considered mere words. The decision whether and how to "fatten" the capital is in the hands of the commission of ministers for the affairs of Jerusalem, which needs a long time to take the decision—where and when the new "belt" of settlements will be built around Jerusalem and what the thickness of that "fattening belt" will be.

The decision, if indeed a decision will be made by the commission, will be the result of a series of complicated considerations involving political and social problems such as demographic end transportation needs. The difficulty in arriving at the final decision will probably be further complicated because there is no one general plan for the "fattening" of Jerusalem. There are three such plans: the Ministry of Housing constructed an independent plan; the Israel Land Administration (ILA) distributed a green booklet which includes its own proposal; and the chairman of the settlement department of the Jewish Agency, Professor Re'anen Weitz, drew his "fattening" plan. The various "fattening" plans concern construction north of the capital as well as south of Jerusalem. However, the most problematic are the "northern" plans which, no doubt, will raise the loudest discussions.

The first "fattening" plan was proposed to the Ministry of Housing by architect Shmuel Sheked. According to that plan two or three new cities and a number of neighborhoods will be built near Jerusalem, beyond the "green line." The new settlements are designed for "securing the security, the future, the Jewish character and the national character of Jerusalem in the future."

According to the Ministry of Housing proposal, a town of 1200 families in Givan and an urban neighborhood of 250 families in Gabel Muktam (situated 4 km. northeast of the Horon entrench and 15 km. from Ramleh and Lod) are planned. However, various factions quickly expressed their reservations.

Among the first to express their reservations were members of Jerusalem's municipal council. According to them, the "fattening" of Jerusalem by means of building the external settlement belt will weaken the development of Jerusalem itself. They fear that directing means of construction as well as young couples, old inhabitants and new immigrants to the new city in Givan, would cost potential inhabitants for Jerusalem, which struggles to keep its Jewish identity, in the face of the quick natural increase of the Arab population.

Execution of the "fattening" plans—north, east or south of Jerusalem—involves expropriation of land now owned by Arabs. The decision on additional appropriation of land is primarily a political decision which has to be made by the political echelon. Nevertheless, architect Brotskus who belongs to the Ministry of Interior saw fit to comment upon that matter. In a detailed memorandum about the construction plans of the Ministry of Housing, Brotskus wrote: "There is sense and purpose in building the settlements as proposed in the plan only if there is an intention to annex that area and the area between the settlements and Jerusalem to the Israeli state, and in this way to 'fatten' Jerusalem." Architect Brotskus thinks that if indeed there is no escape from the political "tricks" involved in expropriation of land, one wonders whether it is not better to take that "bold step" but in a different way, i.e., by expropriation of land in order to strengthen Jewish

positions in Jerusalem itself—e.g., the one between the French Hill and Neve Ya'akov—"instead of creating territories for distant suburban settlements."

Those who object to establishing small settlements or towns, which would be some kind of "satellites" around Jerusalem, point out that the expenses of establishing those "satellites" are very heavy, that there will be employment difficulties and that the new settlements might become a burden upon Jerusalem, instead of "fattening" the Jewish settlement around the city.

Opposed to the plan of the Ministry of Housing which proposes a city for 1200 families in Givon, the ILA proposes its own plan for the "northern region." According to that plan, in Lower Beit Horon a city will be built on the scale of Bat-Yam or Rishon LaZion which will include 25-40 thousand inhabitants after three years. "The place does not necessitate, as far as the city is concerned nor as far as the other settlements included in the plan are concerned, a significant deviation from the "green line" borders. It concerns only a few kilometers, which constitutes a reasonable deviation in the framework of any agreement." This is written in the plan of the ILA which emphasizes that there is neither intention nor need to propose special employment solutions for the new city, since it would belong to the central region and would be situated about 15 km. from Lod and Ben-Gurion airports.

Parallel to the large urban settlement, the plan of the ILA proposes that between Jerusalem and the new city in Lower Beit Horon, some rural settlements will be spread. The location of the proposed settlements—Upper Beit Horon, Givon, Nebi Samuel and Ma'ale Abram—is topographically significant, and the distance between every two rural settlements will be about five km.

The third plan for "fattening" Jerusalem in the north is the plan of the chairman of the settlement department of the Jewish Agency, Ra'anun Weitz. According to his proposal, in Givon, in the north of Jerusalem, a series of industrial villages should be established instead of a city. The principal argument for that proposal is that establishing a city of over 25 thousand inhabitants might interfere with the desirable rate of populating Jerusalem by Jews, whereas the establishment of industrial villages "does not cause any demographic harm, it involves a relatively small investment in comparison with the urban alternative, it will involve a relatively small size of land which should be obtained from the Arabs, and because of the proposed cooperative structure of the settlement it will not exert pressure on the Jerusalem center, which is over loaded."

According to Ra'anun Weitz' plan, four settlements based on sophisticated industry and services will be established in "Gush Givon." "Since all the agricultural land in the region is tilled by local villages, there is no possibility of concentrating sufficient land for the maintenance of a settlement," Weitz states. "On the other hand, the geographic location of the region on the axis which connects the industrial regions of the plain with those of Jerusalem can assure accelerated development of industrial or services plants. The natural landscape, the historical significance and the short distance from Aterot airport can contribute to the development of popular national or international summer resorts."

Architect Brotkus, who is responsible for the plans in the Ministry of Interior, criticizes Ra'anun Weitz' plan. In his detailed memorandum, he expresses his reservations about

the proposed "dispersal" of the settlements. In addition, he criticizes the plan of industrial villages, which, according to Mr. Brotkus, "have not been proved as a legitimate 'creature', and they probably have no chance to succeed."

Some argue that repeated words about the plans for "fattening" Jerusalem have caused disruption of the general planning policy in the state by directing investments to development in the "fattening" regions, whereas it is preferable to fatten "internal" Jerusalem—by means of increasing its Jewish population.

The three different plans which contain long-range development objectives have already been submitted to the commission of ministers for the affairs of Jerusalem, headed by Chaim Tsadok, minister of justice. However, the commission will probably not discuss those plans before a professional inter-ministerial commission completes examination of the planning and urban aspects in their entirety and their effect on the city of Jerusalem and on other sensitive regions which necessitate concentration of resources and efforts on the part of the state.

Source: Yehiel Limor, Ma'ariv, August 6, 1976, translation provided by Israel Shahak.

NEW WEST BANK FACTORIES

Seven industrial plants, mainly in the metallurgy fields, are being set up in Ma'ale Ha'Adumim. Each plant will employ about 50 workers. The ITIM correspondent reports that a number of industrialists will soon transfer their plants to the area. A defense industry plant will also be transferred. Defense Minister Pers promised the help of his ministry for the new plants which will be established in the area.

Our reporter has learned that an urban settlement is to be built in Ma'ale Ha'Adumim. A special committee is meeting to decide the exact location of the settlement. Members of the committee include the commander of the central region, the head of the Jerusalem region of the housing ministry and engineers from a private firm. This morning, the cornerstone was laid for the first factory in the Ma'ale Ha'Adumim industrial zone.

Source: Jerusalem Radio, March 22, 1977, in FBIS, March 29, 1977.

DISCUSSION ON "CREATING FACTS"

The Likud leaders announced this week that the Allon plan is dead. However, although they [Likud] never accepted it as a binding document, some 100 settlements have been established beyond the green line, from the Golan Heights in the north to Ofira (Sharm es-Sheikh) in the south, on the basis of this plan. Some 8,000 settlers live in these settlements, and the value of their agricultural produce this year will total 700 million pounds [about \$70 million].

Since the six day war, the government has allocated about 4 billion pounds [about \$400 million] for settlement in the administered territories. Therefore, it appears that without trumpets or vociferous statements, the Alignment government has established numerous facts on the ground. It is difficult to imagine that the Likud government will shelve the Alignment government plans for the coming year. These plans call for the establishment of urban centers in the Golan Heights, the Rafah Approaches, the Jordan Valley and a block of settlements north of Jerusalem. Reporter Shimon Schiffer reveals 10 years of settlement beyond the green line.

Schiffer: US Embassy officials in Israel have recently shown great interest in what is taking place in the sphere of settlement beyond the green line. A senior embassy official has contacted the Housing Ministry on several occasions to find out what is being done in Mashah, east of Kfar Sava. He was told politely, but firmly, that he must contact the chairman of the ministerial committee for settlement affairs.

Informed people already distinguish between the period before the Carter administration and that of the Carter administration regarding the US attitude to settlement in the territories. Only recently have US representatives in Israel allowed themselves to express open discontent with what is being done. A joke currently in circulation says that a senior US official recently asked an Israeli politician: How many trucks will you need to evacuate the settlers from the territories?

This question has bothered the settlers themselves from time to time. However, it can be said that the question has become vital these days in view of the possibility of negotiations taking place to determine the peace borders of the State of Israel. Minister Yisrael Galili, chairman of the ministerial committee for settlement affairs, has no doubts regarding the future of the settlements in the territories and their place in the expected negotiations.

Galili: I am convinced that what we have accomplished from the six day war until now constitutes an extremely significant reality from a political, security and national point of view. The settlements constitute a deployment of extreme value that expands the infrastructure of the State of Israel and offers a dimension of entrenchment and firmness. We have seen this even within the framework of disengagement of forces agreements: as happened in the Golan Heights, the existence of the settlements was very valuable. This is especially true when the question involves a framework of negotiations for permanent peace. No settlement was established on the assumption that we would abandon it.

Schiffer: The steps for settlement in Judea and Samaria were slow. Only after the Khartoum conference in 1969 were regional plans prepared for settlement in the territories. What were the basic assumptions of the planners? Professor Ra'anan Weitz, head of the settlement department, answers this question.

Weitz: When an Israeli settlement is established, it should be a permanent settlement that should not be removed under any military or political change. Our settlements have always established the facts of the map of Israel. Therefore, before establishing a fact, it is necessary to think carefully whether it will be possible to maintain this fact even if political and military conditions change. Another assumption was that a settlement must be made primarily to insure the security of Israel. In other words, this is a subject that is not negotiable, and if we really stick to it, it will be possible to prove to our supporters the justness of our action.

Schiffer: The spread of settlements increased, and as long as calm continued and no reaction came from the supporter, as Ra'anan Weitz calls the United States, the planners continued to follow the line described above under the Instructions of the chairman and members of the ministerial committee for settlement affairs.

Galili: I cannot cite one single case of US pressure regarding the establishing of one specific settlement or another, and I cannot cite any case in which consideration of the US attitude has tipped the balance regarding one specific settlement or another. In general, we determined the location of settlements on the basis of various considerations—including political considerations, the prospect of achieving defensible borders, limitations stemming from the presence of local residents and problems of land and water, and limitations stemming from the prospects of the political struggle.

Schiffer: Yehiel Admoni this week ended his job as head of the settlement department of the Zionist Organization and the Jewish Agency. With regard to future action, he proposes:

Admoni: Whatever the considerations for settlement may be, the consideration of giving people the chance to live a full life is perhaps the central one. The scattering of settlements here and there with no connection between them and without the possibility of building a general system seems to me basically wrong.

Schiffer: Minister Galili says things in a diffident manner which perhaps for the first time underlines the differences of opinion between him and the Likud.

Galili: We must not rush to establish new settlements in the heart of Samaria, which is densely populated and also does not have the strategic security significance which would make it necessary to settle there. There is reason to assume that there is a difference between statements in the opposition and the responsibility and limitations that bind a government. It is clear that we are involved in a struggle for permanent peacetime borders. It is clear that there are world powers that want to deprive us of all the achievements of the six day war and push us back to the June 4, 1967 borders. There is a consensus among the people not to return to the June 1967 borders. The struggle over settlement is an organic part of the struggle over the peace borders. I believe that the State of Israel will mobilize the spiritual, popular and political forces necessary to withstand this struggle awaiting it in the future.

Schiffer: So far, all the settlements established in the territories had been approved by the ministerial committee for settlement affairs. The settlement in Kaddum was the first challenge to the concept of settlement guided by security considerations. The slogan of settlement in all parts of the land of Israel raised by the Likud and the National Religious Party is a concept that will have to stand the test of action by the next government.

Source: Excerpts from Jerusalem Radio, June 11, 1977, in FBIS, June 14, 1977.

LIKUD PLAN FOR SETTLEMENTS IN WEST BANK

The future of Judeaa and Samaria and settlement beyond the green line, as expressed in the Likud platform and as voiced by Likud emissary Shmuel Katz in the United States, will constitute one of the most controversial issues in the prime minister's talks with the US President. Agriculture Minister Afiel Sharon this week began examining plans for settlement beyond the green line. Last Friday, the minister was handed a plan prepared by a Likud team. The team was headed by Knesset member Yigal Cohen. The plan, which is based on the Likud platform, proposes the establishment of five large urban centers in Judeaa and Samaria in which some 150,000 people will live. Since the prime minister's statement in Kaddum [when Begin described all of "Judeaa and Samaria" as "liberated" not "occupied" territory], the government has displayed caution in its pronouncements on settlement beyond the green line. According to a decision by Prime Minister Menahem Begin, the government will discuss the issue only after Mr. Begin's visit to Washington. In this spirit, the agriculture minister announced yesterday that as far as he knows, the Likud plan has not been approved by the cabinet. The Likud plan will be submitted to the ministerial committee for settlement affairs for discussion when the prime minister returns from the United States. Correspondent Shimon Schiffer has filed this report on the Likud plan.

Schiffer: The Ailon plan is dead—on the map, in the thinking and in the political conception of Israel, Prime Minister Menahem Begin has said when speaking about the future and about what is expected in planning settlement

beyond the green line. Does another plan already exist—the Sharon plan, named after the chairman of the ministerial committee for settlement affairs? Ariel Sharon says that various plans are being examined.

Sharon: The first thing is that the government will first of all carry out the settlement plans that have already been decided. There is no reason to suspend these plans. Additionally, I believe this government will give an impetus to settlement and new plans will definitely be drawn up in addition to the present plans.

Schiffer: Intensive discussions were held on this subject last week. The time has come to examine the desires of the movement which was in the opposition—a movement which spoke about widescale settlement activity in Judeaa and Samaria. Questions were asked. Is it at all possible to carry out these plans in the reality in which the State of Israel exists?

The planners were called to examine the plan which was drawn up about half a year ago and which has now been submitted anew to Ariel Sharon by Knesset member Yigal Cohen, a member of Moshav Tel Adashim and a leading advocate of settlement in the Likud. The proposal is called "the urban and rural settlement plan in the Land of Israel." The plan is also signed by Ya'acov Eigess, a former head of the settlement department of the Jewish Agency and Professor Ezra Zohar. Knesset member Yigal Cohen says:

Cohen: I definitely hope the Likud will carry out this plan. This plan served as the Likud platform on the question of urban and rural settlement. It has been examined and is reliable. My evaluation is that we shall consider its implementation. We had a meeting this Friday with the agriculture minister and passed to him the details of the plan. We shall, of course, assist and follow up the implementation. The agriculture minister asked us to submit the plan to him. I did that this week after my meeting with him. He wants to study it. We shall, of course, meet again and discuss the details.

Schiffer: Those who drafted the proposed plan speak about settlement in all parts of the Land of Israel—from the Golan Heights, through Galilee, and as far as Sinai and Sharm as-Saikh. We shall concentrate on what is planned for implementation in Judeaa and Samaria. According to the proposed plan, several towns will be established in Judeaa and Samaria in the coming four years—a town in the area of At-Tayyibah, a town in the area of Mashah, a town in the area of Beit Sira on the northern Jerusalem-Tel Aviv route, a town in Givon, a town in Teqoa and a town in Ma'ala Ha'Adumim.

Cohen: Regarding settlement in Judeaa and Samaria, the plan is based mainly on a widescale urban settlement. It takes into consideration the land and water limitations. In our opinion, it definitely permits the transfer of a large number of Jews to the center of Samaria. This will be done by transferring to this area all public construction which was planned according to a master plan of the previous housing ministry for the coastal area—in Holon, Herzliya, Bat Yam, Tel Aviv. All construction will be done using suitable and good quality material and will attract Jews, who will pass to the center of Samaria while maintaining their present places of employment.

Schiffer: This is the Likud plan for settlement. In order to carry out the plan, Knesset members from the coalition parties have set up a permanent forum to deal with settlement affairs.

Source: Excerpts from Jerusalem Radio, July 2, 1977, in FBIS, July 7, 1977.

Senator **ABOUREZK**. The hearings are recessed until 10 o'clock tomorrow morning. They will resume in room 6226, which is down the hall on this floor.

We thank you very much.

[Whereupon, at 1:05 p.m., the subcommittee recessed.]

THE COLONIZATION OF THE WEST BANK TERRITORIES BY ISRAEL

TUESDAY, OCTOBER 18, 1977

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND NATURALIZATION,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:05 a.m., in room 6226, Dirksen Senate Office Building, Senator James Abourezk [acting chairman of the subcommittee] presiding.

Present: Senator Abourezk.

Staff present: Wendy Grieder, legislative assistant to Senator Abourezk.

Senator ABOUREZK. The committee will come to order.

Our first witness this morning is Dr. Salim Tamari, professor of sociology at Birzeit University located in the occupied territories.

Dr. Tamari, we welcome you to the subcommittee's hearings. Do you have a statement you would like to give to us?

TESTIMONY OF SALIM TAMARI, PROFESSOR OF SOCIOLOGY, BIRZEIT UNIVERSITY, OCCUPIED TERRITORIES

Mr. TAMARI. Yes; I have a few remarks, Senator.

I reside in the town of Ramallah in the occupied territories. I would like to address my remarks to two issues which are of concern to me and which I have observed during my teaching experience in Birzeit University.

The first issue concerns the cultural aspects of the occupation during the past 10 years. The second one concerns the employment of Arab labor in Israeli enterprises.

This past June was the 10th year of Israeli occupation of those Palestinian territories which were not occupied in the war of 1948. Most of us living under the occupation have suffered all kinds of grievances, but, of course, it touches us in different manners depending on our position and situation.

For instance, those of us who were forced by circumstances to work in Israel have come in closer touch with some manifestations of Israeli oppression which have not been seen by others.

As an instructor in a small college near the city of Jerusalem, I have been very close to the treatment by Israeli soldiers and military authorities of faculty members and students and other town dwellers.

The most salient aspect which I have personally observed in the Israeli occupation has been the treatment of student demonstrators

who have resisted the impact of Israeli rule with all the means that were at their disposal.

I understand your committee has heard various testimonies about the establishment of Israel settlements in areas of the West Bank and the Gaza territories, plus the other two Arab areas occupied, the Sinai Peninsula and the Golan Heights.

During these 10 years of occupation, those of us who remained in the West Bank and the other Palestinians in Gaza utilized whatever was at our disposal to express ourselves. One legitimate means of expressing ourselves within the confines of Israeli occupation was the press in Jerusalem and the cultural activities which already existed in the West Bank during the Jordanian rule.

We have library associations, theater clubs, and a few literary magazines. All these instruments of cultural manifestations have been subject to extreme forms of control by the Israelis.

For instance, there are two theatrical groups in the town of Ramallah where I live which have been putting on plays expressing Palestinian cultural identity. These plays, in order to be performed, have to be submitted, that is, the script has to be submitted in advance to the Israeli military officer in charge of cultural activities to be approved. Usually approval does not relieve the members expressing their views from interrogation later and quite often what is on the surface as literary expression of cultural identity is a cause for harassment and improvement.

We have a group of teachers and students who have been issuing a journal of folklore which has been subject to extreme censorship by the Israelis. We have only been able to issue six issues. The journal eventually ceased publication. All references to Palestinian identity, to express a folk culture, is frowned upon by the Israelis since it negates the view of the present regime, and also the presumably liberal government of Premier Rabin before Mr. Begin came to power, that this land is the land of Israel, and the Arab population is an alien force inhabiting it.

Students have constantly been subject to interrogation and night arrests and administrative detention without any specific charges. This goes on as a daily event.

Teachers are also subject to harassment. One of my colleagues, Dr. Aruri, who is a physics instructor, has been in prison 3 years so far under this administrative detention rule without being charged with one single charge—political or criminal. This law of administrative detention has been used against scores of intellectuals, students, and the public in general. It is a heritage of British colonial rule promulgated in 1945 against terrorist activities and used equally against Arab and Jewish partisans in 1945, but also now being used by the Israel Government against Arabs.

Imprisonment, however, is not the only aspect of repression of students and academic circles. Deportation has been used extensively by the Israeli authorities.

In the institution where I teach, the president of the university, Dr. Nasir, was deported to Lebanon in 1974, after Mr. Arafat, the head of the PLO, appeared in New York at the General Assembly, there have been various protests throughout the occupied territories expressing

solidarity of the local population with the PLO. After that, the Israeli authorities sought professional organizations and heads of local councils as scapegoats to quell the demonstrations.

After Mr. Arafat appeared, not only the head of our university, but two members of the board of trustees, Dr. Tobasi—who is also the head of the dental association in the West Bank—and Mr. Abdul Jawwed Salih, mayor of Al-Bireh—both members of the board of trustees—were expelled to Jordan and Lebanon.

These people were not given any chance for a trial. They were similarly deported and with them scores of other citizens of the West Bank who were neither charged formally, as they requested, and as we insisted—and still insist—in every case of such deportation, but to no avail.

Various democratic——

Senator ABOUREZK. May I interrupt?

Let me ask you about the case of Dr. Nasir. I have talked with him since his deportation. I think it is useful to put on the record exactly what the circumstances were.

As I understand it, he did not take part in demonstrations at Birzeit University. He did not lead them. He had nothing to do with them. That was his statement to me.

Do you know if that is correct or incorrect?

Mr. TAMARI. Yes; I was in Birzeit at the time of his deportation. The situation was boiling over because of several incidents. One was the feeling that there was an impending settlement to take place in the West Bank and that the Palestinians were about to have a state of their own. Students were demonstrating in solidarity with the PLO. There were attempts by the Israelis at the time to establish a puppet regime called administrative autonomy. This is the political context in which the deportation took place.

The Israelis moved that night by calling Dr. Nasir for interrogation. He was taken immediately to the military compound, blindfolded, driven by jeep to the Israeli border, and allowed to go with another member of the board of trustees, through the Lebanese-Israeli border completely blindfolded and without escort.

This, I imagine, is a situation which could have killed him very easily because this is a military zone in which, how should we say, soldiers act on the spot. He was fortunately not hurt. He was received at the other end.

Dr. Nasir was subsequently, in retrospect that is, charged with having incited students to riot. I was at the university when the demonstrations took place. It was customary for the teaching staff of Birzeit University and Dr. Nasir was included in that, to form a cordon between the Israel soldiers and the demonstrating students as an act of protection.

Although we sympathize with the demonstration, we made a point not to participate and as to not to give a legal excuse for the Israelis to intervene.

We also wanted to keep under control some activities by some students who might attack soldiers and that could be used as an act of provocation to use firearms.

That act of protection was later used by the Israelis to indict Dr. Hanna Nasir similarly without trial of having organized the demonstration.

Senator ABOUREZK. Yes; thank you. Please continue.

Mr. TAMARI. The other aspect that I would like to address your committee with is the employment by Israel of between 60,000 to 80,000 workers in the occupied territories. We do not have exact figures because many of these workers are hired hands and do not go through labor exchanges.

On the surface, Israel presents this issue as promoting the welfare of the population. However, upon investigation we find that these laborers perform as cheap labor in Israeli enterprises like factories, but especially in construction. Israel, at the moment, needs a vast amount of housing settlements, both for Jewish settlers in the occupied territories as well as for Jewish immigrants, most of whom at the moment come from the Soviet Union from Georgia and from Russia. (I think the last count is about 76 settlements in Gaza, the Golan Heights, the West Bank and Sinai.)

Our workers are constructing houses for Israeli immigrants to come and settle quite often in land which has been confiscated from Arab owners.

The Jordan Valley and the area around Nablus, where land has been confiscated from farmers, ostensibly for security reasons because it is near the border. Later cooperative farms were established for the Israelis.

The Arab peasants, Palestinian peasants, who use to own these lands, and having lost their farms to use, have been forced as a result of this act to find employment as hired hands on the very farms which they owned. This is the situation of around 80,000 workers who commute every day from Gaza and the West Bank to Israel. Not all of them, of course, are peasants. Many of them are refugees from the war of 1948.

From their wages, which on the average is 40 percent less than the average wage of Israeli workers, is deducted significant amounts of money ostensibly for social services, medical insurance, unemployment benefits, et cetera, none of which—and this is my point—is remunerated back to the workers as services (with the exception of Arab workers from East Jerusalem who are partly organized by the Israeli labor unions and do receive part compensation for these deductions). Other than that, most of the 80,000 workers receive no benefits for the deductions.

In effect, what I am saying is that they are hired as cheap labor in Israel enterprises, especially construction. They are the last to be hired when there is need for their labor and they are the first to become redundant when there is a recession in the Israeli economy. This has already taken place after the war of 1973, and particularly in 1974 and 1975 when thousands of Arab workers became redundant and found no employment.

Senator ABOUREZK. Do you know the extent of land confiscation in the territories?

Mr. TAMARI. I do not have figures with me. However, I would venture to say that most of the confiscation has been taking place in the Jordan Valley area and the Rafah approaches in Gaza district, and the Nablus area.

Senator ABOUREZK. Would you call that good farmland or poor farmland?

Mr. TAMARI. In the Jordan Valley good land was confiscated. The west bank, in general, is very arid. The little farmland that is good there exists in the northern districts, in Nablos and in the Jordan Valley.

Most of these Israeli settlements which have been established so far, aside from the Golan Heights, have been in the Jordan Valley area. Ostensibly, as I said, for security reasons, but most of them are agricultural communities.

New Jewish settlers are brought from the population of Israel proper to these areas.

May I continue?

Senator ABOUREZK. Go right ahead.

Mr. TAMARI. My last point is this. I want to mention about both the oppressive practices against students who have been in the forefronts of protests (as they usually are everywhere) in the occupied territories against Israeli occupation and the utilization of cheap Arab labor which has been a force in the outmigration of thousands of Arabs outside the Palestinian territories.

This is crucial for several reasons. People who migrate are the young of the population. These are young males who usually have to support their families by seeking employment in other Arab States, and more recently in Jordan, where there has been a construction boom.

This has created a situation where academicians and professionals, and also laborers who were made redundant and who no longer can find employment in the occupied territories, or in Israel, as a result of the recession, have left the country, many of them because of political repression, and created a demographic imbalance in that section of the population which is most productive.

So, if we look at the structure of the population between the ages of 30 years and 44 years, we find that the ratio of females to males is in excess. The consequence of this in social terms is very severe because it creates a distorted composition of the population. It leaves a very important section of the productive population out of the country and creates conditions for further reduction of the population in the occupied territories.

I do not say that Israel is enforcing measures of emigration by physical means, but it is creating the conditions whereby the dwindling of the population of the West Bank and Gaza is becoming a reality.

This, I would insist—and many people who think like me would insist—has been the consistent policy of the Israeli authorities since 1967. That is to make a place for potential Jewish settlements throughout the occupied territories, not only the West Bank and Gaza, but also in occupied Syria, the Golan Heights, occupied Egypt in the Sinai—where vast lands have been confiscated and new settlements have been planned.

I think my colleague, Dr. Dakkak will address, in part, this issue. I thank you.

Senator ABOUREZK. Yesterday there was testimony on a couple of different points that I would like to ask you about.

First of all, do you believe that there is a pattern of harassment and oppression against intellectuals and political leaders which would

result in emptying out the occupied territories of that political leadership leaving only what would be called a peasant class or working class which could be made available for cheap labor for the Israel Government and the Israeli industry?

Mr. TAMARI. I think the repression is generalized, but I do think there is selective pressure against those sections of the population which we might call the intelligencia who can most articulate the grievances of the population in the occupied territories.

At the moment a large amount of this oppression is directed against those mayors in the West Bank who have been consistent in proposing that the only solution to the current debate about settlement of the occupied territories is by the formation of an independent Palestine state— independent from both Israel and Jordan.

In 1976, in the election for the municipal councils, there was an attempt by the Israeli authorities to create an alternative leadership of the Palestinians composed of mayors who would create a presumed autonomous zone.

That attempt failed through the defeat of several slates which were either openly pro-Israel or conciliatory to Israeli rule, and slates of nationalist candidates were elected throughout the West Bank municipal councils.

These people are currently under pressure by Israel either to submit, that is, to accept Israeli rule in modified form as part of the overall settlement, or be subjected to mass harassment and not being able to leave towns and not being able to collect money for municipal councils for civic services.

For instance, the city of Ramallah, where I live, has had a deteriorating situation in its educational services (appointment of new teachers, et cetera) and in conducting daily services, because of difficulty in getting aid supplied by either private contributions, by Arabs abroad, or aid which these cities have been able to get through from friendly Arab governments.

But the main brunt of this attack, of course, is direct. It is in the form of daily interrogation for various people who simply speak their minds. They may have signed a petition or participated in a vocal protest. All this without any formal charges.

Sometimes it can be quite severe. It takes the form of torture. It takes the form of physical deportation. It takes the form of arrest without charges taking place for months and months and as in the case of the few people I mentioned.

Senator ABOUREZK. Do you know about those who have been tortured by the Israeli Government?

Mr. TAMARI. Yes.

Senator ABOUREZK. Who are they?

Mr. TAMARI. I have talked with a particular person who is a former editor of a newspaper who has been tortured.

Senator ABOUREZK. What were the circumstances surrounding that?

Mr. TAMARI. He has been arrested in a village near Ramallah in, I believe, 1969—but I am not sure. It could be 1968. He was charged with conspiracy to commit armed acts of resistance. He has been interrogated and beaten up and tortured and charged finally, after confession, with a sentence of 5 years. He has since been released and is now still living in the West Bank.

I have talked with several other people who have been tortured, including students of mine. I do not think I can say their names, but I will mention that this is something you are probably familiar with. The Sunday Times has issued an extensive report fully documenting this and it has been published in several other places.

The Israeli Government has replied to this report, but so far has not produced concrete evidence to contradict the evidence put out by the Sunday Times.

Senator ABOUREZK. Perhaps you do not know, but I will tell you that the London Sunday Times' story on torture got almost no coverage in the United States. It was probably a consensus here by the American press that the story should not be repeated, apparently because it only received two or three sentences buried deep in another story in the Washington Post. I never saw it anywhere else.

There was also a charge by a witness yesterday with regard to the settlements themselves that there is a great deal of racism involved in the settlements in the occupied territories and they are established only for Jews and that neither the Arabs nor anyone else could not move into the settlements or live in them.

Do you know whether or not this is true?

Mr. TAMARI. I would hardly call that a charge because the Israeli Government does not claim that these settlements are housing projects for the Arab population. These are openly established settlements, many of them on confiscated land, for the clear purpose of settling Jewish immigrants and Israeli citizens, who are Jewish, and who are by definition not Arabs.

Israeli citizens are categorized by the census of Jews and non-Jews, and these settlements are exclusively Jewish settlements which Arabs are allowed to build but are not allowed to settle in at all.

In many cases many of the houses in these areas are left unoccupied despite the extreme housing shortage in the occupied territories—not only in those territories, but in Israel itself. For example, in the town of Upper Nazareth, which is an exclusively Jewish settlement, built on land confiscated from Arab citizens of Nazareth, which is experiencing an extreme housing shortage because it is limited by land expansion, housing has been built exclusively for Jewish immigrants. More recently by some devious means, you might say, a few Arabs acquired and were granted some of these empty flats which are open for Jewish immigrants only. A big havoc was created in the Israeli press that Arabs have been renting houses in this exclusive town.

This situation is much more severe in the occupied territories which is not legally Israeli and in which Arabs, by no means, can acquire residence in those Jewish settlements.

There is another example from Kiryat Arba, which is a Jewish town built after 1968 in Hebron. This has been populated by religious zealots, many of them sympathizers of the extreme movement known as Gush Emunim. They have been harassing Arabs conducting their daily life activity in Hebron itself. They have claimed that they have certain rights to establish law and order in the host city which hosted them. Of course, they have not hosted them willingly, but this is what happened.

In that particular town there are a few small factories which the Jewish settlers do not have enough labor to employ. So what happened is that they are employing Arab labor to create commodities for a town ostensibly built for Jewish settlers, but in which the Jews who are there are apparently not capable of filling all the jobs created.

So, Arabs are accepted as laborers, cheap labor, I would say, but are definitely accepted as neighbors or potential residents within the settlements which are exclusively for Jewish people.

Senator ABOUREZK. The witness yesterday who testified for the Israeli position, Mr. Yehuda Blum, talked about deportations. He said that everyone who had been deported was a Jordanian citizen and in all but three cases these people were deported to Jordan. He saw nothing wrong with taking people out of their homes and deporting them to their own country.

I wonder if you might comment on that observation.

Mr. TAMARI. I think this is a form of double talk which has permeated the Arab-Israeli conflict. You can put a label on a person and use that label to rationalize whatever you do to that person. There is no such thing as Palestinian citizenship at the moment. All Palestinians happen to be citizens of one country or another. In fact, we have become citizens of over 100 countries precisely because of the results of the establishment of the Jewish state in 1948.

Jordan has been one of the few countries which has given its citizenship to Palestinians in 1948. So, we are legally Jordanian citizens. Every citizen of the West Bank, every Palestinian, is a Jordanian citizen by naturalization. This is the country which has annexed—and I use the word annexed—in 1948 and whose majority population is Palestinian.

To use that fact to say that Palestinians on the West Bank are Jordanian and therefore when they are deported they are sent to their own country, I think, is a very sick kind of rationalization.

It would be equivalent to saying that a country in the West which ships back Jewish immigrants, for instance, the United States or England—both are countries that have received many victims of fascism after the Second World War—saying that they were former inhabitants of Russia or what have you, or Poland, et cetera, I think it would create a very great protest, and justly so, by people who consider themselves democrats.

Senator ABOUREZK. Would you use the same rationale just to show how outrageous that kind of contention is? American Jews are also citizens of Israel under the law. If someone were to pass a regulation saying that all American Jews should be deported to Israel, and there is nothing wrong with sending them to their country of nationality, then I guess that would point up how ridiculous the argument is.

Mr. TAMARI. Yes.

We feel strongly about this point. Daily we see foreign immigrants coming in to take our land and our homes. Walking in Jerusalem and seeing people coming from all over the world, especially from Europe and the United States, and taking the attitude that this country is theirs under conditions which the inhabitants of that country, the Palestinians, are daily being deported and denied their human rights.

It is a humiliating experience for us.

Black humor is usually developed toward these people. But this is the only way to tolerate it. It is an intolerable situation.

Basically the cruelty of it is the audacity of many of these immigrants who see themselves both as Americans and Israelis without taking into accounts the rights of the indigenous population of these territories.

Senator ABOUREZK. I have one more question.

Do you expect a retaliation by the Israeli authorities when you return to the West Bank, that is, because of your testimony here?

Mr. TAMARI. Retaliation against me, do you mean?

Senator ABOUREZK. Yes.

Mr. TAMARI. Well, we all expect some kind of repression when we stick our necks out. These acts are performed in various degrees. I do not know what will happen to me.

However, some of us are more fortunate than others. For instance, some of us by having access to the foreign press and by appearing in such august bodies as yours, do have some protection by virtue of the dependency of Israel on the United States for its support. Our hope is precisely here, that is, that this dependency can be used as pressure in order to force Israel to make concessions to the Palestinian population. These are human rights which are theirs by virtue of having lived there for thousands of years.

I cannot answer your question because I do not know what will happen. However, what will happen to me would be very small indeed in relationship to what happens to those people who have no access to ways of seeking help. Most of these people are being imprisoned in their own country. If they leave, they can only leave on the condition of not returning to their homes.

As an example, quite often prisoners who are serving sentences for very small things, like demonstrations or distribution of leaflets are allowed to leave the country and escape their prison sentences under the condition that they do not return. These are the people who really suffer.

Whatever happens to me in comparison to them is very, very minor.

Senator ABOUREZK. I think we have no more questions.

I want to express my thanks and the thanks of the subcommittee for your appearance here and your testimony. We appreciate it very much. It has been an excellent contribution to the overall hearings. I want to wish you good luck on your return.

Mr. TAMARI. Thank you.

Senator ABOUREZK. Our next witness is Dr. Ibrahim Dakkak. He is an engineer by profession and a resident of Jerusalem and who has specialized in research on the status of Jerusalem and the effects of Israeli occupation on Arabs living on the West Bank.

We want to welcome you to the subcommittee hearings. You may proceed.

TESTIMONY OF IBRAHIM DAKKAK, AN ENGINEER, JERUSALEM

Mr. DAKKAK. Thank you, Senator Abourezk, for the invitation. I thank you for allowing me to express my views about Jerusalem and the West Bank.

I have few points to add to what has been said already. I approve of what my colleague, Mr. Tamari, said and consider all of his comments correct and in their places.

I take the problem as the chairman of the engineers association in the West Bank and as the engineer in charge of the restoration of the Aksa Mosque.

In the first case we have had grave experiences as far as the profession itself is concerned. The economic situation which resulted after 1967, which was, in most cases, a recession in the Arab economy, forced many of the engineers and skilled laborers to leave the country and seek work outside. In many other cases some of the laborers had to go to the Israeli side to help establish new homes for the newcomers who were taking the place of their brethren who left the country after 1967.

I have another point concerning that side of the problem. We had two colleagues who were in prison for no reason given by the authorities. One of them is the late Husni-Haddad, an engineer, who spent 22 months in prison. Then he was deported to Jordan.

The second one is Mohammed Abbas Abdul Hakk from Nablus who was detained for 29 months in prison for no reason known to anybody. He was released lately.

His brother as well, who is an engineer, was deported from Nablus. He is now living outside.

This is as far as the engineering side is concerned. Also from that side I can see the deportation of some of my colleagues in the professional associations complex. One of them is Dr. Abdul Azziz Al Haii Ahmad and Dr. Tobasi, both of whom were chairmen of the association of the dentists in the West Bank at two different periods.

I do not want to expand on that point. I would like to go to the other point now.

I will talk about the part whose information I gathered during my work as the man in charge of the restoration of the Aksa Mosque. This work put me in daily contact with the problems of Jerusalem during the time I occupied that post.

It comes to me sometimes that something new is coming on the horizon as the Israeli authorities have decided to equalize the services in the West Bank and Gaza Strip with that of Israel.

This in itself has been done also in the case of Jerusalem when it was annexed to Israel.

In the case of Jerusalem, the excuse given by the authorities was that the two sectors of Jerusalem would enjoy complete equality in respect to services, welfare, and education. That was reinforced by the Thalman report submitted to the Secretary General of the United Nations in 1967 which stated that the purpose, as declared by the Israelis, was to equalize the legal and administrative status of residents of these parts of the city which were not previously controlled by Israel with that of Israeli citizens.

So, there is a great possibility that the step taken by the Israeli authorities to equalize the services in the West Bank and Gaza Strip would be a prelude to the complete annexation of the West Bank to Israel. The blessings of annexation as witnessed in Jerusalem showed

up early in June 1967 when the Mograbi Quarter just adjacent to the Wailing Wall was completely swept away by bulldozers. That quarter contained historical schools and hospices and buildings. They were taken away without even recording them in the appropriate form.

Also on the West Bank three villages, Emaus, Beit Nuba, and Yalo, were also taken away and nobody could know now where they were. In the place of the Mograbi Quarter a piazza was established for the Wailing Wall, and in the place of the villages, a settlement was established. The establishment of that settlement did not only occupy the lands of these three villages but it took also the fertile land which belonged to the other villages neighboring these three villages.

The inhabitants had to go either to the West Bank or they had to work on their own land as hired laborers.

The annexation which the Israelis dislike to mention because they prefer to use the word "unification" has gone on with the Jerusalemites seeing many of their places and much of their land being confiscated. It has been beyond any doubt that what has happened in Jerusalem was not a unification because until today's date there are two Jerusalems. There is the Arab Jerusalem and there is the Jewish Jerusalem. Until now everybody could see that the two cities are demographically, socially, geographically, and physiologically two cities and not one city.

The only unification which took place was the unification of the administration against the will of the Arabs.

Israel from 1947 until now failed to find any unified society within its borders and nobody expects Israel to be a unified society in Jerusalem. Many Israelis were encouraged to live in Arab Jerusalem after June 1967, but these could not live for a long time.

The reasons for this are many, but the main reasons are the services given by the authorities to the Arab part of Jerusalem. They are inferior to those given to the resident of the Jewish side of the city.

From 1947 until now, not a single neighborhood in Jerusalem or Israel was built as a mixed neighborhood for both Arabs and Jews. Not a kibbutz was established as a mixed kibbutz. In other words, what has happened so far in Jerusalem was the subjection of the will of the people there to the will of the Israelis in as far as annexation is concerned.

Therefore, an Israel design of unification in the West Bank and Gaza Strip would take the same form as in Jerusalem.

The need of the Israelis to annex Jerusalem stems from their attempt to justify the religious Biblical vision which frames the Zionist ideology. In fact, it is prompted by the desire of the Israeli leadership to divert the attention of the Israelis from their daily social plight to other goals and means.

The Arabs of Jerusalem feel that they have their full right to see the future of Jerusalem in an Arab perspective. They are justified as well in their refusal to see it through an Israeli eye. The overall Israel attitude has kept Jerusalem demographically, socially, and even geographically divided in spite of all the Israel efforts.

The Arabs, in their defense of their identity and the Arab character of their city and their property and their holy places and their culture

are at loggerheads with the Israel authorities. They have developed the feeling that the challenge is human and universal. They believe rightly that it is the duty of humanity to stand to their side.

After the annexation of Jerusalem, the authorities turned to the practical issue; that is, the Judaization of the city. The first step was to set up commissions to draw the new Jerusalem planning scheme. In 1968 the Prime Minister, Mr. Eschkol, declared that the historical right of the people of Israel will have to be taken into account and that Israel would, on the other hand, be unable to ignore the concentration of Arab populations in certain areas.

The official planning scheme for Jerusalem was not known when its blessings showed up very quickly in the form of land expropriation in the new and old city of Jerusalem. The steps which follow explain the general characteristics of the planning scheme to be applied in the city.

Some aspects of these characteristics were conveyed to the public through the local press, other publications, and building activities. The following points explain the general aims of the scheme.

In the old city of Jerusalem the Israelis expropriated 116 dunams—every four dunams make 1 acre. The plan called for the expulsion of 10,000 Arabs from the old city of Jerusalem and at the same time called for the housing of 5,000 Jews there. The quarter was taken over completely on the one hand and the Arab areas outside the city wall were classified into three categories on the other hand; archeological sites where building was not allowed, green areas where no construction was allowed, and special areas subject to special regulations which limit building activity.

Most of the land left outside these zones was exappropriated. This exappropriated land exceed 20,000 dunams used completely for the building of new Jewish neighborhoods and satellites, namely, Ramat Eschkol, Maalot, Dafna, Nevi Yacoub, Gilo Ramat (Nabi-Samuel) and East Tellpiot.

Senator ABOUREZK. Are Arabs permitted to move into these particular satellite settlements?

Mr. DAKKAK. As I said before, these were exclusively built for the Jews, and until now, from 1947 to 1977, no Arab was allowed to buy any flat in any Jewish neighborhood.

Senator ABOUREZK. That is still the case today?

Mr. DAKKAK. Until now, it is still standing, yes.

The future plan for the rest of the Arab land in the area of Jerusalem and its environs are not yet officially revealed, but information leaked in the local press revealed the following.

Seventy thousand dunams to the east of Jerusalem were announced to be a restricted area by military order. On this land the Maale Adomim (Al Khan al Ahmar) Center was established and new Jewish settlements were suggested by the plan to be built around the city of Jerusalem. Three of the settlements and four villages are suggested to accommodate between 75,000 to 150,000 inhabitants. Five other satellites are to accommodate 25,000 inhabitants. The location for these settlements is suggested to be to the north and northwest of Ramallah Al Khan al Ahmar mentioned before.

Ten thousand dwelling schemes is under consideration. It was reported that extra 10,000 other dwellings are to be built by the year 1982.

By the end of the decade there should be close to 40,000 Jewish families living beyond the former armistice line, that is, moved to the Arab part of Jerusalem.

The aim of this pursuit is to keep the Arab population in Jerusalem within the one-third minority limit. This policy was maintained and the execution of it was facilitated by the open bridge policy. This policy acted as the release valve for the jobless and the homeless and effectively decreased the resistance of the population against Israeli occupation.

The one-third/two-thirds policy logically called for the same percentage of construction activity for both groups, but it was never followed by the Israeli administration. The Israeli plan called for the building of 68,000 extra rooms for the Arabs by the year 1982 and 250,000 rooms for the Jews, based on an occupancy rate of 1.2 persons per room for the Jews against 1.6 persons per room for the Arabs.

If we convert the 68,000 rooms to housing units that should have been built until 1976, that would have come to 7,400 units. During the same period, up till 1976, only 1,000 residential units were established in the Arab sector of Jerusalem, either in the form of simple units or as extensive additions to existing housing.

In other words, the Arab housing program as envisaged by the planning authority, lagged by more than 6,000 units.

On the other hand, it is a well-known fact in Jerusalem that many residential units in the Jewish neighborhood were built on expropriated Arab land found no Jews to occupy them. These were left to accommodate potential newcomers.

The Israel drive toward giving Jerusalem a dominant Jewish character touched extrasensitive points; namely, Al Haram al-Sharif. The problem of the property of this holy sanctuary was given prominence upon the challenge of the Israelis to the Moslem authority. The Moslems, from the beginning of the Zionist movement, have been deeply suspicious of Jewish intentions. They always feared that the Jews ultimately aimed at the seizure of the Al Haram al-Sharif and the destruction of the Islamic sanctuary.

Although this was denied by the Israelis, time and again, there were Jewish writers, scholars, and visionaries who gave substance to such suspicions.

I am quoting Walter Zinder, who is a Jew.

Moreover, in June 1967, within hours of the conquest of the Old City, the chief rabbi of the Israeli army, Goren, with some of his followers, entered the area and conducted Jewish prayers in the Al Haram. A few weeks later he suggested erecting a synagogue on the esplanade of Al Aksa Mosque.

In addition, in August 1969, 4 days before the fire in Al Aksa Mosque, a group of the Jewish national youth (Bitar), against the protest of the Moslem officials, held a ceremonial parade near the Dome of the Rock where their leader in his address complained that the temple mount was still held by aliens and called for the rebuilding of the third temple.

The rebuilding of the third temple means the destruction of Al Aksa Mosque which is part of Al Haram al-Sharif.

Moreover, in September 1967, the Defense Minister confiscated the keys of the Mograbi Galé, thus depriving the Moslems of their long-established right to sole control of the entrances in the areas of the Al Haram al-Sharif. This reflected a deep concern and suspicion that the Haram could be desecrated and probably subjected to sinister designs. This feeling was further reinforced by the burning of Al Aksa Mosque on August 21, 1969.

Although the authorities were able to prove that the gutting was made by a Christian from Australia and not by a Jew, the investigation committee set up by the Moslem council shed doubt on the official claim.

The committee which was composed of engineers reported that the fire started in more than one locality at the same time which implied that more than one person was involved. The appeal of 13 Jews in April 1969, 4 months before the fire in mosque, to the high court of justice was considered a prelude to the Israel designs against the Al Haram al-Sharif.

The order asked the minister to give cause why he should not insure that suitable protection be given by the Israeli police to prevent the applicants' prayer from being disturbed and to show reason why instruction should not be given to Israel police personnel to refrain from interfering with the applicants' prayer.

A few weeks ago it was declared that the same Rabbi Goren was going to publish a map showing the places where Jews could pray on the Al-Haram al-Sharif which is the Moslem sanctuary. The rejection of the high court to the request was based on the remarks of the attorney general which agreed with the views expressed by the Minister of Religious Affairs in the Knesset which stated that there is nothing in the law which forbids the gathering of Jews from visiting the temple mount and praying there.

He added, "However, the implementation of this right depends on the maintenance of public order and this was within the jurisdiction of the Minister of Police."

The attorney general in his report assessed the problem as political and not judicial.

This decision which was taken by the Israel officers practically legalized the Jewish claim to the property of Al Haram al-Sharif. This created tension in the city itself between the Moslems and the Arabs on the one hand and the Jews on the other hand.

A similar experience occurred in the west bank area when the Jews were allowed to pray in the Ibrahim Mosque in Hebron.

Another problem faced by the Arabs in Jerusalem was that, upon the occupation of Jerusalem, the officials of the Israel Ministry of Religious Affairs wanted to impose the Israeli laws on the Sharia legal system of East Jerusalem, and more the ministry wanted to take over the control of the Wakf property, which is a Moslem endowment.

The Israelis considered that the Sharia (Moslem religious law) and the qadis (judges) did not renounce the Jordanian citizenship and did not swear allegiance to the President of Israel.

The reaction of the Moslem leadership came in the form of FATWA which objected to the interference of Israel into Moslem religious affairs.

The Israelis also stopped at no limit to force their will and create conditions suitable for their purposes. One of their activities which caused concern to the Arabs and the world at large was the archeological excavations conducted around the Al-Haram al-Sharif. Two digs were started, one under the supervision of Prof. Benjamin Mazar of the Hebrew University and the other under the supervision of the Minister of Religious Affairs.

Senator ABOUREZK. Excuse me. Do you have testimony on the effect of the occupation on Arabs living in the west bank?

Mr. DAKKAK. By presenting what I am presenting, I meant that this will happen sooner or later on the west bank if Israel designs continue like this.

The effect, of course, on the west bank on the Israeli is immeasurable in the form of the amount of recession which has taken place in the economy and the effect, that is, the harm which was inflicted on the health and educational systems and also the cause for people to leave the country and go outside.

The main thing that one would feel and see was that—because of the deterioration in these fields, a great many people turned from owners of land to workers in the Israeli enterprises, whether agricultural or industrial.

If I look to the problem of health, for example, which is deteriorating very much under governmental control I find that the private efforts of individuals and groups in the west bank is taking the greater load of that.

We have a shortage of technical personnel who can handle this problem.

My colleague before me, Mr. Tamari, has shown how great the effect was and I add to that that the ultimate result of the Israeli designs is that the Arabs in the west bank will end up by being a mobile labor force in the area without having any relationship to the land.

In other words, they are losing their property. They are losing the control of their destiny. They are losing their culture which has been very much hampered by the Israeli activities.

I repeat again that what is happening in Jerusalem is a small picture of what might happen in the west bank. I was talking about the excavations in Jerusalem. I mentioned that there were two excavations. One of them was in the southern part of the Al Haram area which was conducted by Benjamin Mazar of the Hebrew University. There is a danger that this excavation might tempt the Israelis to claim that all the walls of Al Haram Al-Sharif are part of the Wailing Wall. In other words, the whole area would be turned to a religious domain controlled by the religious authorities and any Arab who would like to go inside to pray would be controlled by this authority.

The other dig which was started by Rabbi Perla and under the supervision of Rabbi Perla from the Ministry of Religious Affairs, was in the form of a tunnel under historical buildings of the Mamluki period. The tunnel, which was visited many times by myself, is 2 to 3 meters wide, dug through the soil bearing the foundation of the Islamic historical buildings on top of it.

One side of it exposes the Herodian Wall and the other side was supported by timber for some time. The meager supervision of the

Ministry of Religious Affairs on this dig is a cause for more suspicion and worry for the Moslems, especially if we consider the influence held by the chief rabbis over this ministry and its personnel.

At least three important buildings were very much cracked because of that tunneling. One of them was built in the 13th century. The other was built in the 15th century and there was also another one built in the 15th century.

These acts were condemned by UNESCO and by many other bodies, outside and inside among them the Arab institutions in the west bank, but until now nobody is sure that the work has stopped.

Again about the Old City of Jerusalem, I repeat again, that the Jewish quarter, which has been confiscated completely from the Arabs will now be extended. The expansion of that will be at the expense of the Arabs and extra people over and above the 10,000 which were expelled already from the Old City of Jerusalem will go out.

Their chances to find a place to live in/outside the city walls are very small because land is scarce there. On top of that there are regulations, or at least methods used by the authorities to postpone or to find excuses to postpone the building activity of the Arabs in that area.

Also, the cost of building in the Arab area is becoming very, very high and the Arabs are unable to meet it because the area left is so small and the competition is high, which makes the cost of the land go higher.

No projects were conducted by either side to solve that problem, so the only solution for these people is either to go to the west bank and thus increase the housing problems in the west bank, or they go to the east bank across the River Jordan where they might find some refuge and work.

These are some of the points which I would like to mention. I even know of cases where I myself was involved in the Old City of Jerusalem where we had a house. That was supposed to be confiscated by the authorities—under the pretext that that house was in bad condition. When I visited that house, which belonged to my family, I found that the house was in good condition. But the aim was just to throw the people outside who were part of my family.

We had to resort to courts and other means to stop that. But so far we are no sure that we can keep that house.

The problems in the west bank and Gaza, if Israel continues this policy will be great. The fruits have shown up.

One of them is the restriction of water for irrigation in Gaza and the Jordan Valley. Very lately the Israelis have resorted to controlling the amount of water given to the Arab land for irrigation. Meters were installed on wells which were dug by the Arabs in their land in order to control the amount of water used for irrigating Arab land.

This, of course, will lead to the decrease in the agricultural production and ultimately the land used will be smaller. In that case, the neighboring settlements, which were established by the Israelis, will be taking advantage of that.

Another problem which we have faced also on the west bank was electricity and the promotion of electrical power. For instance, in

Nablus, the municipality has been working very hard to convince the authorities that they should be allowed to import electrical generators to increase the power used in that area.

Until now the authorities have refused, and suggested that it might be better and fit to connect the Nablus area with the national grid in Israel and thus annex the area electrically.

A third thing which has been observed on the West Bank and Gaza is that the forests which were grown up for so many years were dried out by the authorities. The reason for that is that the forests by staying on the West Bank would cause part of the water which comes in the form of rain to stay in the ground. But if these dry out, the water will enrich the aquifers which supply the main water system of Israel.

The West Bank is being impoverished at the expense of supplying water to the Israelis. The problems in the West Bank and Gaza which are faced in the agricultural sector, are the marketing problems. People are finding problems in marketing their products. The products have been either marketed by Israeli establishments which dictate conditions which fit their own interests, or the product is allowed to be marketed outside in the east bank of Jordan.

In other words, the economy of the West Bank and Gaza strip is being connected directly to the economy outside the borders. In case the bridges were closed, the economy would be affected very badly.

The municipalities are shouldering great responsibilities in the absence of a national rule in the West Bank. They are finding great difficulties in shouldering these responsibilities. I know lately of problems which happened in Ramallah, for example, that the commander general of the West Bank started to negotiate with people about water supply to the city with people who had no relationship with that subject.

For example, with the director of education and with other notables, and neglecting the municipal council and water authority. He refused to contact them.

He meant to create an alternative leadership in the area.

Because the mayor of Ramallah stood against the occupation, he found great difficulties in going out of the country to attend a seminar in London. Very lately, he was given the permission, but at the same time he received news that his brother, who is a medical doctor graduated from the United States was being asked not to stay in the area because his residency permit expired and there was no intention to extend it.

The area is in great need of his services and the services of many others. Services in general are deteriorating very badly. They claim there is a need to equalize the services but it is not meant to raise the standard of services as much as a prelude to the total annexation of the area.

Thank you.

Senator ABOUREZK. Thank you very much for your testimony. We appreciate your appearance here today.

Mr. DAKKAK. May I submit these documents?

Senator ABOUREZK. Yes; we will insert them in the record at this point.

[Material follows:]

**PALESTINIAN POLITICAL
PRISONERS**
and Repression in Israel
and The Occupied Territories



A translation from the French of a brochure published by the *Comités de Soutien au peuple Palestinien* in Switzerland by the Lebanese Association for Information on Palestine, March 1975.

**ISRAELI LEAGUE FOR HUMAN
AND CIVIL RIGHTS
SECOND APPEAL**

To the Israeli & World Public Opinion

On January 28, 1974 we asked you to protest against the oppression prevailing in the occupied territories. In this appeal we mentioned the names of five men who were arrested in Nablus (West Bank) and who have since then "disappeared".

Two of them, Wajdi Kamhawi and Bassam Abdul Razzak Amira, were "found" on February 13, 1974 by their families and lawyer, Mrs. Felicia Langer. Hereunder is the account they gave to their lawyer and families—in the presence of witnesses—of what happened to them from the moment of their arrest.

Wajdi Kamhawi declared that he had been arrested and locked in the jail of Jenin. There, his interrogators beat him and spit in his mouth (the pseudonyms of these "investigators" were "Abu Ali" and Abu El Ras"). Wajdi denied all the accusations he was charged with and offered to present an alibi. Four days later, without further interrogation, he was transferred to an unknown prison inside Israel. There his interrogation started again. He was stripped naked and the same policemen who had questioned him earlier threw cold water at him. He was forced to drink salt water and was beaten. This treatment was repeated—at intervals—for four days, after which on January 22, 1974 he was sent back to the Jenin prison. From then on he was no longer ill-treated.

Bassam Abdul Razzak Amira, who is now detained in jail at Hebron, declared that he had at first been held in the Jenin prison where investigators—whose names he does not mention—beat him and pushed a stick down his mouth. They then undressed him completely and poured cold water all over him, following which he was handcuffed and a stick was twisted through the handcuffs. He was able to show his lawyer wounds and scars on both hands. The authorities later transferred him to an unknown prison inside Israel, where he was placed naked under a cold shower, every half hour. He was forced to drink salt water and was only allowed a very small quantity of drinking water. Every now and then, instead of the cold shower, his investigators would cover his body with snow. Shortly after he was transferred back to the Jenin prison, then to Ramallah and finally to Hebron. The night of this last transfer, he was ordered to take off his shirt and shoes and stand naked—for about an hour—under the snow in the prison courtyard. From there, he was taken to the interrogation room and his interrogators—about five—proceeded to slap him, asking him which slap

hurt the most. He was then beaten on his hands and all over his body. His legs were swollen from the cold and the beating and he could no longer walk. He was placed in a cell for eight days after which the questioning started all over again. He was forced to sit on a chair with his hands tied behind his back resting on the seat of another chair. While in this position one of the interrogators kicked him in the stomach and another put his shoe in his mouth. Bassam Abdul Razzak Amira begged for mercy in the name of his children and the name of God. They replied laughing that there was no God in that place. During this whole period and until February 13, 1974, he was unable to walk because of the wounds on his legs. He was put in solitary confinement and was not allowed to either wash or change his clothes.

We wish to point out that in spite of the ill-treatment they were subjected to, neither Wajdi Kamhawi nor Bassam Abdul Razzak Amira admitted to any of the charges they were accused of and would not sign confessions presented to them.

In the meantime two other men disappeared, Joseph Nasser of Jerusalem, owner and editor of *Al-Jajir* newspaper, and Abdallah Abu Siriani of Nablus. The latter was arrested in a Nablus street on December 18, 1973.

Again, we appeal to the Israeli public opinion and that of the whole world to protest against such acts which are both arbitrary and in violation of Human Rights.

We would like to request you to make your protests public and to address them to the person in the Israeli government who is in charge of the occupied territories, Mr. Moshe Dayan, Minister of Defence.

We also urge you to send these protests to the United Nations Secretary-General, Mr. Kurt Waldheim.

**TESTIMONY OF FELICIA LANGER ON
ISRAELI OPPRESSIVE PRACTICES**

For many years Jewish personalities have been denouncing the daily practices which the occupying authorities try to camouflage. Felicia Langer, a lawyer, made a testimony in which she said:

"The Israelis maintain the same martial law which was imposed by the British. Since the occupation of Palestine, military courts function daily. According to the Israeli newspaper *Maariv* of May 13, 1971 in Gaza alone 5620 Palestinians have appeared before these tribunals between April 1970 and April 1971. Among these, 27 have been condemned to life imprisonment and penal fines have exceeded 300,000 Israeli pounds."

More recently, the *Times* of August 24, 1974 affirmed that since the beginning of April 1974, 896 Palestinians from the occupied territories were arrested and imprisoned.

Felicia Langer:

"Who then are the people who fill the prisons? They include old people over 80 and children under 13 years.

"What are their crimes? They either belong to a social organization or have participated in a peaceful demonstration, or distributed pamphlets. These people are accused of acts of terrorism (acts carried out in the defence of their country and their land).

"Also treated as serious criminals are Palestinian refugees who have returned to join their families dispersed during the war. These are deported to Jordan after serving a prison sentence.

"Since the 1967 war, 10,000 houses have been destroyed or razed after the expulsion of their inhabitants; this figure is not definitive, and it is pointless to describe the destruction caused to the houses at Amwas, Beit Nuba, Yalo."

The number of destroyed houses since 1967 stands now at 19,000.

Felicia Langer:

"The justification of these explosions and dynamiting is found in the martial laws of 1945, but the pretexts are often fragile—mere suspicion permits expulsion and destruction.

"Another measure consists in the appropriation of property, whether private or public, in order to 'judaize' all the territories, and this is done in accordance with laws that were in force during the British Mandate. Under this law, the Arabs of Palestine have been deprived of a large portion of their land for 20 years. The law helps the designs of the occupation authorities especially in Jerusalem and its outskirts.

"To replace the destroyed houses, large buildings are being erected to house Jewish families while the Arabs are compelled to find refuge in villages far from their place of work and very different from those they were born in.

"IT SEEMS TO ME THERE IS NO LIMIT TO THE POWER OF THE USURPER AND HIS CAPACITY TO FIND JUSTIFICATION FOR SEIZING ARAB PROPERTY: THE RULE BEING 'WHAT IS MINE IS MINE AND WHAT IS YOURS IS ALSO MINE.'"

INTERVIEW WITH ISRAEL SHAHAK President of the Israeli League for Human and Civil Rights

Israel Shahak, professor of Chemistry and president of the Israeli League for Human and Civil Rights, was interviewed during his trip to Switzerland by the Palestinian Committee in Geneva.

Q: "What has led you to be concerned with the problem of political prisoners in Israel?"

A: "My aim is to reveal to public opinion the conditions of political prisoners in Israel, whether Jewish or Arab, from the moment of their arrest to that of their indictment, not forgetting the tortures which are inflicted on them. It seems to me that this is essential to make people aware of the problems posed by Zionism."

Q: "What problems? How is the link made between oppression and Zionism by public opinion in Israel?"

A: "One must not forget that Zionist oppression is applied to Jews as well as to Palestinians. However, the Israeli Jews are less vulnerable because the law gives them certain democratic guarantees which are denied to the Arabs. This explains the small proportion of Jewish political prisoners. Besides, I am myself accused of an offense against state security for having been the guest of the Dutch Palestinian Committee. For public opinion this link between oppression and Zionism is not always evident. However, the campaigns dealing with the problem of political prisoners are very important in showing up Zionism, which is the basis of Israeli society. As far as I am concerned, Israel is an apartheid society because it does not allow Palestinians to live in Israel. Israel claims to be a democratic society, it presents the kibbutz as a socialist institution and it seems to me it is very important to uncover this official propaganda line. It is important to say that the kibbutz is an apartheid institution for no Palestinian can become a member of it. In any case, the kibbutzim work collectively as employers of the Palestinians who work for them at a miserable salary. That is why I feel compelled to fight the idea of the socialist kibbutz. Can there be a socialism of apartheid? To this question the Zionists have no answer. Apartheid is also very clearly manifested with respect to the Palestinians in the occupied territories. I would like to refer here to the problem of the dismemberment of families, provoked by a policy which prevents a member of a family who is living outside the occupied territories from returning to live with his relatives. This is the surest way to pressure Palestinian families out of the occupied territories if they

want to live together. It is a very sure psychological weapon especially when it is accompanied by the permission for Palestinians living outside the occupied territories to visit their families for six weeks in summer. These six weeks are terribly insufficient for a family separated for a long time. The effect would be to push the Palestinians to leave their land."

Q: "Do you have an estimate of the number of people who make these visits?"

A: "Last summer there were 150,000 brothers, sisters, parents, cousins who had to leave after the allowed six weeks. This, therefore, is another aspect of the policy of apartheid. But the racist character of Zionism is apparent at all levels of social life. It appears even in Israeli official sources: if, for example one refers to the annual statistics published by the state, one would notice two series of figures, those regarding 'Jews' and those regarding 'Not-Jews'. Another striking example: the situation in the Gaza Strip. Gaza has the appearance of a concentration camp surrounded by barbed wire on all sides with guarded entrances."

Q: "There are Arab workers in the Gaza Strip working in Israeli factories. How do they go from their place of residence to their place of work?"

A: "These workers are transported to their factory under the surveillance of armed guards. They cannot leave the factory during the day, and if sometimes they stay for a week, they have to sleep in tents in the open."

Q: "Since your work is centered around the problem of political prisoners, can you describe to us oppression in Israel?"

A: "Oppression follows naturally from Zionism. It is manifested in the large number of court cases for offences against state security. All these court cases do not imply the use of violence or armed struggle: to paint a slogan on a wall is regarded as an offence against security; to possess a Palestinian flag is a crime of high treason. I had for instance to defend boys of 15 and 16 who were condemned to long periods of detention for having raised a Palestinian flag in their school. With respect to the legal framework, these cases are based on confessions. If the prisoner does not confess he is finally released whether he is an Israeli or a foreigner, but if he comes from the occupied territories he is simply put under administrative detention. It is a detention ordered by a simple military warrant. Thus an officer can sign a paper requesting the imprisonment of such or such a person in the interest of state security, and it is sufficient to detain that person."

Q: "You mentioned confessions, are these spontaneous or extorted?"

A: "Torture is often used in Israel but the most frequent cases occur in the occupied territories to incite people to confess. These confessions once signed by the prisoner can no longer be revoked. It is, by the way, infinitely more difficult for a lawyer to defend a prisoner who has signed a confession than it is to defend a person under administrative detention. The only way to obtain these confessions is therefore by torture: I want you to know that the interrogation of Palestinians is always carried out when these men are naked. They are beaten on the sensitive parts of their body, namely, their genital organs. The next stage sometimes lasts very long. Usually it consists of locking the prisoner always naked in a solitary cell measuring 1m x 2m and built of rough concrete with sharp edges. The prisoner is not even given a blanket. The third stage is reserved for the more hardened. It consists of tying their hands for long periods with elastic bands and then hanging them down either from the window bars or from the heavy steel door of the cell. Furthermore, there are what could be called the personal whims of the interrogators aimed at humiliating the prisoner. The examples are many and varied: forcing them to walk on fours like an animal, shouting: 'I am a dog', ordering them to stand naked on one leg for lengthy periods, etc..."

Q: "What has, according to you, triggered these waves of oppressive practices?"

A: "First of all, one must understand the fate of the Palestinians in the occupied territories who have come to realize more and more that after seven years of existence under such conditions, there is no future. It is therefore natural that in such situations, political resistance is organized, followed by waves of repression. So everything is tied to the general political situation. The wave of repression was especially aimed against the left, because it has created an organization called 'The National Palestinian Front' which was able to organize an effective resistance movement: strikes, demonstrations, etc... In the occupied territories, the Palestinians know that they have only one way left open to them, struggle, because the life they lead is worse than the one they had led in Jordan in the sense that Hussein did not ban their folklore or poetry, nor did he send inspectors to their schools with the aim of abolishing from the programmes any mention of Palestine and Palestinian nationality, nor did he prevent families from uniting, even though he is a major enemy of the Palestinian people."

Q: "Your conclusion?"

A: "Zionism prospers only because it hides the truth behind fake clichés, behind a veritable myth. Your duty consequently, as well ours, is to destroy this myth and unveil the truth about Israel."

SURVEY OF PRISONS
World Peace Council

At the beginning of June 1974 the Israeli League for Human and Civil Rights published the following advertisement in several newspapers:

"On April 22, a wave of arrests was carried out in the eastern part of Jerusalem and on the West Bank of Jordan. Among those arrested were public personalities, workers, syndicate leaders, students, all well known in Palestinian circles... For a long time the authorities refused to allow their families and lawyers to visit them. However, by order of the Israeli courts,

some of them were allowed to receive visitors. The prisoners were able to inform their lawyers and relatives of the brutal forms of torture to which they were subjected. Citizens of Israel, you must react."

The League also distributed a report on the tortures which were reproduced in several Israeli liberal newspapers, namely *Zo Haderekh* and *al-Itihad*.

THE NABLUS PRISON

Last June 3, lawyers Hanna Naquara and Ali Rafi met with three prisoners of the Nablus prison in the presence of security forces: Mr. Mohamed Hijazi, 38, married, three children, member of the syndicate leadership of the West Bank; Mr. Mohamed Abbas Abdoul Haq, 37, married, three children, engineer employed by the Nablus municipality; and Mr. Jamal Youssef Freitekh, 44, married three children, construction worker. According to their lawyers, the prisoners had suffered the following treatment:



Methods of interrogation in Israeli prisons.

MOHAMED HIJAZI

Soon after his arrest, he was taken to the Nablus headquarters where Israeli policemen beat him all over, aiming particularly at his genital organs. This treatment lasted for three days, after which he was transferred to Ramallah. Immediately after his arrival, the prison guards hung him from the ceiling and beat him up. When he lost consciousness, they would awaken him with cold water. His interrogators admitted "having killed Farid Altachtouch" (a Palestinian patriot who died in an Israeli prison) and that "they were ready to kill him too if he refused to confess... they could liquidate him, make him go mad or deport him to Jordan."

Later, he was taken in a police car to the prison of Jerusalem... handcuffed with a bag over his head so that he could hardly breathe. The Israeli soldiers ill-treated him during the whole trip. In the prison of al-Maskoubyah, the treatment was harder. He was locked in a cell with the "civil offenders" who took advantage of the slightest pause from torture to place lit cigarettes between his toes. A few days later, he was returned to the Nablus prison and was kept in solitary confinement until his transfer to the concentration camp of Sarafand, where the most subtle forms of torture are practiced. He was locked in a minuscule cell, completely naked, and his bed was the floor covered with gravel. Sometimes his guards would order him to stand, handcuffed, holding out a chair, and unable to protect himself from the terrible beatings they inflicted on him. He was sent back to the Nablus prison without an opportunity to consult his lawyers.

MOHAMAD ABOUL HAQ

According to his lawyers, Mr. Abdul Haq was not treated any better. They saw the guards applying lit cigarettes to his skin. The prison administration refused to provide him with any medical treatment. Mr. Abdul Haq informed his lawyers that he was taken from the Nablus prison to a concentration camp where he had to crawl on stones as sharp as knife blades. To amuse themselves, the soldiers would ride him like a donkey and repeat endlessly: "You are a female ass, get down on all fours." Then he was hung down from the ceiling and beaten up. At present he is still in his cell handcuffed.

JAMAL YOUSSEF FREITEKH

According to his lawyers, Mr. Freitekh was subjected to similar treatment.

AL MASKOUBYAH PRISON IN JERUSALEM

On May 5, the lawyers, Felicia Langer and Walid Al-Fahoum, were able to meet Hassan Abdul Majid Abu Kheir, a student who lives in Arab Jerusalem and who had been arrested on April 22.

"Six days after his arrest, interrogations started. He was forced to drink two cups of concentrated salt after which the following words were exchanged between him and his interrogators: 'Confess that you are a communist and a member of the Palestinian National Front.'

"I am not a member of anything. I had not yet had the honour."

"Then undress!'"

The lawyers then describe the scene which followed: Hassan stood naked before his interrogators, who then hit him with a heavy truncheon on his genital organs. A piercing pain ran through Hassan who lost consciousness. The next day a new interrogation. He and his family were insulted and attempts were made to humiliate him in every way. He was ordered again to undress and was given the same horrible treatment as on the previous day.

The same day, his lawyers saw the prisoner Omar Mohamed Oudeh, 24 years, student in Arab Jerusalem. He told them that as soon as he was arrested, and in five sessions of two hours each, he was beaten with a truncheon on his fingers and on the head; he was then forced to lie on the ground and a burning chemical substance was applied to his genital organs. He was threatened with electroshocks, was kicked in the stomach, the liver, the back, he was made to jump up and down continuously for long hours. The men who questioned him wanted him to give them information about his cousin, Yacoub al-Ibeidi, and his brother Abdul Rahman, whom they knew nothing about but who were suspected of belonging to the Palestinian resistance by the occupation authorities. He was accused of being a member of an organization engaged in the struggle against the occupation. The lawyers added that they met him six days after his arrest and that the tortures seemed to have left him very ill.

Felicia Langer requested to see prisoner Khadijah Abou Arkoub, a 27 year-old widow from Doora near Hebron, who had been arrested in January 1974 without apparent charge. The prison authorities told her they did not have a prisoner by that name. And it was only after protesting vehemently that she was able to see her on June 13. This is what Mrs. Langer said:

"It was only after pretending that I was going to ask for her release on bail that I was able to see her. She was brought before a judge and only at that mo-

ment was I able to exchange a few words with her. She showed me and the judge that her hair had been torn from the roots; she had kept them in a nylon bag; I tried to offer this to the court as evidence of torture, but the judge refused to react. After her release with no charges made against her, she was again arrested on suspicion of being a communist. I cannot reach her and no one will tell me in which prison she is being held."

THE RAMALLAH PRISON

On May 29, following a large campaign of protests, lawyer Felicia Langer was able to see her client, Sleiman al-Najjib, 40, a political leader of the West Bank. She made the following comments about the meeting:

"He was handcuffed and had obviously been severely tortured. Those who questioned him had tried to destroy him physically by every means. He told me that he was regularly beaten until he lost consciousness; he would be revived with cold water and then beaten again, including his genital organs. In addition to the handcuffs, his legs were chained 24 hours a day. His torturers took turns in questioning him. He was also inflicted with the special torture treatment which was practiced in the concentration camp of Sarafand."

—Ahmad Mohamed Samara was arrested on April 22, he was constantly beaten and has a broken nose.

—Ayed Abdullah, 19, his genital organs and his nipples were pressed and squashed until they bled.

—Adel Barghouti, the place of his arrest was kept secret for weeks after his arrest. When his lawyer, Mrs. Felicia Langer, finally met him he told her how his guards had brutally tortured him, beaten him, put him in solitary confinement, how he was given electroshocks, was hung from the ceiling, and finally how he was prevented from sleeping.

—Ghassan Harb was brutally hit on the head, the fingers and the genital organs, was awakened each time he fainted with ice water, and was kept in solitary confinement. His health deteriorated so much that his life was in danger. His wife, who recently saw him, has written to the International Red Cross asking them to intervene for his transfer to a hospital for treatment.

—Abdallah al-Beirat, the prison administration pretended not to know where he is, but the prisoners of the Ramallah prison have told their lawyers that he was

kept in solitary confinement for two weeks, during which he was subjected to regular interrogations. He was brought to his cell unconscious and covered with blood. The prisoners added that al-Beirat has become deaf due to repeated beating on the head and ears.

Mohamed Shqueirat, whose lawyer Felicia Langer had on several occasions tried to see him, was told that he was held in Jerusalem. When she started the formalities in Jerusalem, she was told that he was in Ramallah. This went on for some time and she was unable to see him. However, several prisoners revealed to Mrs. Langer that Shqueirat was kept in solitary confinement, subjected to intensive questioning and tortured daily.

OTHER PRISONS

Walid al-Fahoum, a lawyer related that after a long delay imposed by the occupation authorities, he was able to meet his client, Husni Haddad, an engineer, at the prison of al-Maskoubayah in Jerusalem. (Mr. Haddad had been arrested on April 22 but his lawyer was only able to see him about three weeks later). He described to his lawyer the treatment he received from the moment of his arrest as follows:

"I was first kept in the Hebron prison then transferred to an unknown place which I later knew was a military concentration camp, where I was forced to stand on one leg for a long time, holding out a heavy chair. I was locked during the whole period in a small cell the floor of which was covered with gravel. My hands were always tied behind my back. The prison authorities regularly put lit cigarettes between the toes of my right foot. During the interrogation, a heavy black bag covered my head, preventing me from breathing normally."

Walid Al-Fahoum, after much delay, was also allowed to see his client, Attalah al-Rashmawi (a worker from Beit Sahour). He relates that after his arrest on April 22, Attalah was first kept in the Hebron prison then transferred to Ramallah where he was interrogated for several days on end.

Attalah remembers with horror what happened to him on May 5: that day, he was beaten on his genital organs and head throughout the interrogation. From Ramallah he was transferred to the prison of al-Maskoubayah in Jerusalem, then brought back to Hebron and finally incarcerated in a small cell in the Bassa prison in Bethlehem.

On May 25, he was taken to an unknown military concentration camp and interrogations were resumed. His guards took turns in torturing him day and night without respite. He was given the usual treatment; beatings, cell floors covered with rough stones, standing up on one leg, crawling, burning cigarettes between toes, etc. . . .

Mohamed Sulciman Atwan, 56, native of Arab Jerusalem, was arrested for the first time on April 23, released and then arrested again a few weeks later. His interrogation on June 2 proceeded as follows: four men surrounded him and beat him up all over his body, especially his back and his genital organs, he was then forced to carry a chair on his head. He lost consciousness and when he woke up he was in the street. The next day he was called for an interrogation. He immediately contacted his lawyer, Felicia Langer who saw the terrible condition he was in. A doctor examined him and diagnosed a hemorrhage in his testicles caused by the beating. He was immediately operated on. Admitted to a hospital in Arab Jerusalem, he was visited by an International Red Cross Representative on June 5.

WHY THE ARRESTS AND WHY THE TORTURES

On May 14, an influential Israeli newspaper, *Davar*, known for its close ties to the establishment, published a report on the arrests in the occupied territories stating that they were for "political reasons" and aimed particularly at the National Palestinian Front. It recognized that "the persons arrested had committed no crime" except that of engaging in political activities.

On June 26, a communist deputy, Tawfiq Zayyad, made a speech in the Knesset (the Israeli parliament) in which he unmasked the real reasons behind this large wave of arrests. He said:

"In this campaign, several well-known Palestinian leaders were arrested, among them were communists, patriots and liberals. Their only crime is opposition to Israeli occupation and upholding the right of the Arab Palestinian people to self-determination."

On May 3, the Arab Israeli newspaper *al-Ittihad* published the following report with regard to the reasons underlying the arrests and tortures:

"It is no secret that the new arrests are politically motivated, aimed at dismantling the popular political organizations in the occupied territories which form the National Palestinian Front. . . . It is not a coincidence that this campaign was launched a the



Rounding up detainees.

time when the Front published its programme in the first issue of its newspaper, *Palestine*: opposition to Israeli occupation, refusal to return the West Bank to Jordan, recognition of the legitimate national rights of the Arab Palestinian people, i.e. the establishment of their state on the territories which Israel must evacuate."

In a protest memorandum sent to the Israeli government, the jurists of Nazareth describe the arrests as "political terror directed against the National Palestinian Front and its members and aimed at preventing the true representatives of the Arab Palestinian people from participating in the Geneva Peace Conference. Its objective is also to prevent the establishment of a Palestinian state in the territories that Israel must evacuate."

From the above, the following conclusions can be drawn:

1. The arrests are politically motivated.
2. None of the persons arrested committed a crime.
3. The victims ask for the withdrawal of Israel from the occupied territories and the respect of the legitimate national rights of the Arab Palestinian people.
4. The victims were and still are subjected to torture.

THE COUNTER-EFFECT OF THE CONSPIRACY OF SILENCE

The Israeli authorities and the multi-faceted information media close to the ruling circles, have remained silent on all that is happening in the occupied territories, particularly the arrests, the tortures and the persecutions. Sometimes an official journal or an Israeli daily publish some news items regarding the arrest of saboteurs, of the discovery by the police of "dangerous elements." But that is all. In the face of the present wave of arrests and terror the authorities have adopted the policy of complete silence. Only the prisoners' families, their lawyers and four communist deputies in the Israeli parliament have defied this conspiracy of silence, they have attempted in every way to expose the facts to Israel and world opinion.

The Israeli authorities who always contest the legitimate national rights of the Palestinian people, utilize the most ignoble means to drown the voices rising against their occupation and annexation of the occupied territories. At the same time they try to present to the world a peaceful image of the occupied territories, enjoying the fruits of a "democratic and friendly occupation." They even exert tremendous pressure to hide, from the Israeli public, the truth about what happens in these territories, by stirring up chauvinistic reactionary sentiments. This helps them to realize their schemes—the non-recognition of the existence of the Palestinian people and therefore of its legitimate national rights. All this enables Israel to consolidate its occupation of the Arab territories.

But this conspiracy of silence will not last long. Many sources in Israel and in the world are unveiling the facts every day through resolute and courageous actions by liberal and peaceful forces in Israel.

On July 2, the communist bloc in the Israeli parliament insisted on an open debate in parliament about the arrests and tortures in the occupied territories, and proposed that parliament request an immediate stop to torture and the release of all political prisoners. They also requested that a committee composed of representatives of all parliamentary groupings be formed to study all the registered complaints pertaining to torture. A large majority of the deputies voted against this proposal and even refused to discuss it. The presiding chairman of the session—a leading member of the extreme right group, the Likud, went as far as to threaten to register an official complaint against the communist bloc for "violation of norms". The government in its reply to the proposal presented, admitted that arrests had taken place but refused to give additional details.

The Israeli Court of Appeal denounced the behaviour of the police and the Security Department for refusing to reveal to the lawyers concerned the reasons for the arrest of several people—Suleiman Najjab, Khalie Hijazi, Jamal Freitekh, Husni Haddad, Muhamed Abu Gharbyah, and others—and for forbidding their lawyers from exercising their functions. Lawyer Felicia Langer has registered a complaint to the Court of Justice requesting that a law be passed authorizing lawyers to see their clients.

The two lawyers, Hanna Naquara and Ali Rafi have sent a telegram to the United Nations Secretary-General, Dr. Kurt Waldheim, during his tour of the Middle East in June, requesting the intervention of the international organization to put an end to the torture of political prisoners.

The Israeli League for Human and Civil Rights held a press conference on June 18, in which Professor Israel Shahak, President of the League, and the lawyers Felicia Langer, Hanna Naquara and Ali Rafi spoke about the prisoners and the tortures to which they were subjected. They accused the Israeli authorities of violating the Geneva Conventions.

A letter signed by over 100 mothers and wives was sent to the President of the United States, Richard Nixon, during his recent visit to Israel, in which they requested his personal intervention for the liberation of their husbands and sons. The letter mentioned that the prisoners had been allowed to meet their lawyers only once since their arrest five months ago and that their families were not permitted to visit.

A similar memorandum was sent by the Higher Islamic Committee of the West Bank to the United Nations Secretary-General and to President Nixon in which the Committee requested the ending of torture of political prisoners and their immediate release.

Sit-ins were organized by the prisoners' families in Beit Sahour, Jerusalem, Nablus and other towns in the occupied territories in protest against the arrests and the ill-treatment of the prisoners.

Protest meetings are being organized daily in the occupied territories by the liberal forces in Israel against the wave of arrests and the torture of prisoners. Delegations of the inhabitants of different towns in the occupied territories have met with the Israeli military governors in their respective regions and requested the immediate release of the prisoners.

In the face of increasing protests in the occupied territories and inside Israel itself, the Zionist elements in agreement with the authorities strive to intimidate the prisoners lawyers who were the first to unveil the truth concerning torture and ill-treatment of prisoners. Lawyer Felicia Langer, who actively defends the

political prisoners is their first victim. For a long time now she has been receiving threatening messages and telephone calls. On June 13, the situation became much more serious when several bandits entered her house in Jerusalem and placed a charge of dynamite. It was only through her and her husband's vigilance that a tragedy was avoided.

APPEAL FROM THE FAMILIES OF THE PRISONERS

"Our fathers, husbands, brothers and sons have been under so-called preventive detention since April 22, 1974, because, according to the Israeli authorities, of alleged expressions against the celebrations of Israeli independence day. They are still in prison without having been charged.... A number of them, according to their lawyers, have been brutally beaten.

"We cannot visit them although the legal period of investigation is over. The authorities still refuse to supply any details concerning the prisoners Suleiman

Najjab, Mohamed Abu Gharbyeh, Abdullah al-Beirat, Husni Haddad and others. For the Israeli public, the authorities try to justify their campaign of terror by declaring that these prisoners are members of a 'sabotage organization.' This expression is used loosely all the time by the authorities.

"As is well known to the authorities and the liberal forces for peace in Israel, the truth is that these prisoners are in favour of a just peace in the Middle East and are fervent opponents of any form of chauvinism wherever it is manifested. They declare that they are for a solution of the Middle East conflict on the basis of international resolutions and the respect of all the peoples in this region.

"We consider their arrest and the tortures inflicted on them as well as the denial of the right of visiting and the withholding of information about the fate of several of them as an act against all efforts to establish a just peace in the region. Moreover, this is a violation of the International Declaration of Human Rights.

"We urgently appeal to all those who believe in justice and democracy. We request them to protest against these arrests, to insist on the ending of tortures and the immediate release of prisoners."



Palestinian held under administrative detention.

NATURE OF THE REPRESSION

The practices denounced in the preceding testimonies are not mere accidents as the succession of different governments in Israel would like to be believed, but are in keeping with the nature of the state and its policy.

In fact, the Israeli state, which is envisaged as exclusively Jewish according to the Zionist ideology, implies the rejection of the Palestinian people and its expulsion by force from its land.

The Zionist authorities have systematically tried to destroy the Palestinian people physically, politically and culturally. These practices (dynamiting houses, deportations, collective punishments, etc...) clearly reveal the colonial character of Israel. They were used by the French and Portuguese colonialists and by White Power in South Africa and Rhodesia. They also unmask Israeli "democracy", a democracy which the Human Rights Committee of the United Nations described as: "A privilege enjoyed exclusively by the colons and which is not open to everyone."

THE PRISONERS CONTINUE THEIR STRUGGLE

In a report published in 1974, the Democratic Popular Front for the Liberation of Palestine (DPFLP) exposed the following facts:

The detained Palestinians have organized themselves inside the prisons. They have grouped themselves and were able to circulate two clandestine newspapers. The Israelis use heinous methods of torture and terror. Of these methods, psychological torture is commonly practiced. For example:

1. News broadcast transmitted by the Israeli state radio and translated into Arabic in order to demoralize the prisoners.
2. Circulation of fabricated news concerning allegedly unsuccessful resistance operations by Palestinians in which the protagonists are said to have been killed.
3. Describing the Palestinian revolution as being on the verge of defeat and announcing its forthcoming liquidation.

The methods of physical torture most commonly used are the following:

1. Arranging meetings between the prisoners and attractive women for the purpose of obtaining information. If they refuse, the prisoners are beaten on their genitals and metal needles are introduced into these organs for long periods. The two prisoners Mourad Al-Bahi and Abdel Shahine are among those who suffered such tortures.
2. Using electroshocks in all prisons.
3. Burning all parts of the body with lit cigarettes.
4. Slamming doors on fingers followed by beatings with metal rulers.
5. Pulling out of nails previously squashed.
6. Using police dogs to attack and bite naked prisoners until they faint.
7. Applying a paper solution on prisoners' wounds which in the long run causes brain damage to brain cells.
8. Hanging down prisoners by arms or legs for long periods, a practice which can cause paralysis.
9. Blindfolding prisoners and forcing them to run handcuffed on a road full of holes. When they fall down, the prisoners are beaten and forced to get up by the Israeli soldiers. This is done until they faint.
10. Throwing urine and feces at the face of prisoners and sometimes urinating in their mouths.
11. Wounding prisoners and covering their wounds with salt.

12. Placing prisoners in a cell and torturing them with lights and loud sounds. As a result of these barbarous tortures, many prisoners are now invalids.

To cite some examples:

- Monayed Al-Bahich is paralyzed in the left arm.
- Latifa El-Houry is half paralyzed
- Abdelaziz Shanine had his vertebral column broken and was later executed.
- Ibrahim al-Najjar is disfigured and has lost both eyes and his right arm.
- Walid al-Ramaki has a skull fracture.
- Wakim Nassar has a crushed chest and his back broken
- Mohamed Dahmach has a skull fracture which led to madness.

CLASSIFICATION OF PRISONS

The prisoners are distributed in prisons inside Israel such as Askalan, Bir el-Sabeh, al-Rameh, Beit Leif, Kfar Yaine, Haifa, Akka, Sarafand and Shatta as well as in the occupied territories: Nablus, Galilee, Jenin, Gaza, Toulkarem and Khan-Younis.

THE RAMALLAH PRISON

The prison contains over 1000 prisoners and is reserved for those with life sentences. It is notorious for its solitary cells. It has a special wing for women. The prisoners are forced to make camouflage nets for the Israeli army. This prison is also famous for its X-ray torture chambers and for the solitary cells in which the prisoners are placed while their wounds are healing.

BIR EL SABEH PRISON

This prison is situated in a desert region. It specializes in hard labour, ironworks, carpentry and construction. At night, the Israeli soldiers throw grenades and shoot to keep the prisoners terrorized.

ASKALAN PRISON

About 1000 prisoners are held in what was formerly a military prison. The conditions of life there are the hardest: it is impossible to sleep day or night. It is extremely humid and never sees the sun. In this prison, many prisoners have lost their health.

SHATTA PRISON

This prison holds about 500 prisoners and there are eight solitary cells. It is a penitentiary. In order to break the prisoners' morale and obtain information from them before the trial, all prisoners are subjected to long periods of physical torture which has caused the death of Ibrahim al-Kaharouf and many others.

BEIT LEIF PRISON

This prison, about 10 kms. from Toulkarem, can hold 300 prisoners. It is well defended and all deserting officers are sent to it. It is forbidden to speak in the cells which are very small and inadequately ventilated.

SARAFAND MILITARY PRISON

This prison is administered by the Military Intelligence Service and is composed only of solitary cells and torture chambers.

AL DAMOUN PRISON

In this prison the prisoners are forced to work on Zionist war projects. It also has a paper factory.

GAZA PRISON

This prison which can hold 1000 prisoners is considered the centre of distribution to other prisons. It is reserved for those sentenced to more than five years. It is a three-story building and has six solitary cells and twenty extremely humid cells.

NABLUS CENTRAL PRISON

There are more than 800 prisoners in this prison. It acts as a centre for interrogations and regional distribution.

AL NABI PRISON

This prison is famous for its solitary cells where the most barbarous tortures are practiced.

NAFI TERSTA PRISON

This prison for women is divided into two parts, the first, containing 28 cells is reserved for women who have committed civil offences, the other, containing 21 cells, is reserved for women having committed "crimes against the safety of the state."



Contributing to the Israeli war machine.

COMMUNAL CONCENTRATION CAMPS

The barbaric and inhuman practices of the state of Israel are not limited to the torture of Palestinian prisoners. Concentration camps are built in the Sinai Desert in order to break the resistance of the Palestinian people of Gaza. In this desert, three main concentration camps existed before 1971: Nakl, Abou Zeinah and al-Kasima. In 1971, the monastery of St. Catherine was transformed into a concentration camp and other camps were built at al-Arish and Wadi Moussa. The camps are made of tents in which one or several families are crammed with simply a curtain acting as a separation. They are completely isolated from the rest of the world: no newspapers, no books, no radios and no visits.

In addition to the concentration camps, the Israeli

army has under its control extensive regions in the Gaza Strip which are surrounded by barbed wire. Nobody is allowed to enter or leave these regions without permission from the military authorities.

There are three concentration camps in the Rafah region:

—The camp of Oum Kalab north of Rafah. The number of inmates is estimated at 2000.

—The camp of Biouk, north of Rafah, 3500 inmates.

—The camp of Masrouk, east of Rafah, 1500 inmates.

The decision to build the concentration camps was taken at the highest military and political levels. The control of the camps has been given to a special army unit under the command of General Shlomo Gazit, Assistant Director of Military Intelligence, and former Military Governor of Gaza.



SOLE ASPECTS OF THE ISRAELI ANNEXATIONIST POLICY AS PRACTICED IN JERUSALEM :
 "A CASE STUDY OF THE POTENTIAL ANNEXATION OF THE OCCUPIED TERRITORIES"

(By Ibrahim Dakkak)

INTRODUCTION

The Israeli decision on the 14th of August 1977 to equalize the services in the West Bank and Gaza Strip with that of Israel came as a logical outcome to the designs of the Likud Government headed by Menahem Begin. The statement¹ of the secretary of the Israeli Government on the eve of that decision left no room for doubt that the Begin Government had committed itself to the total annexation of the West Bank and Gaza Strip to Israel.

The equalization process might take some time to implement fully, but the ultimate goal could well be seen set and on the move. This is all reminiscent of two historical events. The first was the occupation of the Holy Land by the Crusaders in the 11th century. The second was the annexation of Jerusalem by Israel on 28 June 1967. In both cases the goal was the land and no respect or care were given to the future of the Arabs living on it. Endeavors to get rid of the inhabitants in both cases were made. The Crusaders resorted to massacres, the Israelis resorted to other means.

It is unlikely that we can draw a mechanical comparison between the two events. But it is worthwhile noting that these two historical events took place at a time when the prevailing social and economic systems were suffering from a decaying process. Both the Crusaders and the Zionists resorted to religion as a cover which fixed their direction towards Palestine. The sufferings as a result to these two pursuits were the lot of the Palestinian Arabs.

The equalization policy was first spoken of in the declaration of the Israeli foreign Ministry on 28 June 1967 (Annexation day). The spokesman stated that "the basic purpose of the ordinance² was to provide full municipal and social services to all inhabitants of Jerusalem. They would enjoy complete equality in respect of services, welfare and education."³ The Thalmann report published by the Secretary General of the United Nations on 12 September 1967 stated that the declared objective of the Israeli Government was to equalize the legal and administrative status of residents of these parts of the city which were not previously controlled by Israel with that of Israel's Citizens.⁴ Therefore the notion of equalization of services dates back to June 1967. It had constituted a prelude to the annexation of Jerusalem at that time.

For some time "the Israeli Government assumed an ambiguous position. Outwardly, it stressed that the step taken did not constitute annexation, while for internal consumption it emphasized that annexation was full and complete. The effect of the Government legislation however, was not in the least ambiguous. The law of annexation clearly applied Israeli law, jurisdiction and administration to the annexed area."⁵

In the light of this policy it is fair enough to consider the Israeli equalization decision issued on 14 August 1977 as a prelude to the total annexation of the West Bank and Gaza Strip.

It is logical as well to assume that the Israeli authorities will make use of their ten years previous experience gained in the Jerusalem annexation process.

Thus a study of the Arab plight in Jerusalem in the last ten years will shed some light on the projected conditions of the West Bank and Gaza Strip. The study intends to clarify some aspects of the Israeli practices in Jerusalem during and after annexation on one hand, and the means to counteract the grave consequences resulting from the application of this policy on the Arabs in the occupied areas on the other hand.

¹ The Jerusalem Post, Aug. 15, 1977. Mr. Noar stated that one would not annex what he owns.

² The administrative order issued by the Israeli Minister of the Interior, H. M. Shapira, enlarging the area of the Israeli Jerusalem Municipality on June 28, 1967. That was preceded by three laws: one on the protection of the Holy Places; the second to apply Israeli law, jurisdiction, and administration to areas formerly part of mandatory Palestine and designated for this purpose by the Government; the third to enlarge the area of any municipality by administrative order.

³ The Shiloah Center for Middle Eastern and African Studies, Tel-Aviv University, Middle East Record 1967, Israel Universities Press, Jerusalem, 1971, p. 290.

⁴ Ibid p. 292.

⁵ Benvenisti, Meron; "Jerusalem, the Torn City;" Isratypest Ltd. Jerusalem 1976; pp. 110-11.

THE JERUSALEM CASE STUDY

The need of the Israelis to annex Jerusalem stems from their endeavor to justify the religious Biblical vision which frames the Zionist ideology; and the costly fight against the Arabs in Palestine. In fact, it is prompted by the desire of the Israeli leadership to divert the attention of the Israelis from their daily social plight to chauvinistic goals and means.

The controversy between the Jews and the Arabs, which took its novel form in the Jerusalem problem, has long abandoned the ideological confrontation for actual conflict. The relationship between the Arabs in Jerusalem and the Israeli administration can hardly be other than antagonistic.

The Arabs of Jerusalem justly think that they have the full right to see the future of Jerusalem in an Arab perspective. They are justified as well in their refusal to see it through an Israeli eye. This Arab attitude has kept Jerusalem demographically, socially and even geographically divided in spite of all the Israeli measures to unify it.⁶

The Arabs, in their defence of their identity, the Arab character of the City, their property, their Holy Places and their culture are at loggerheads with the Israeli authorities. Their plight is humanly unparalleled today. They have developed the feeling that their challenge is human and universal in a messianic way. They believe rightly that it is the duty of humanity to rise to their defence.

After the issuing of all the laws and regulations to annex Jerusalem the Israeli authorities turned to the practical issue; the Judaization of the City.

The first step was to set up commissions to draw the new Jerusalem planning scheme. In 1968 the Prime Minister Mr. Eshkol declared that "the historical rights of the People of Israel would have to be taken into account, and that Israel would on the other hand, be unable to ignore the concentration of Arab population in certain areas".⁷

The official planning scheme for Jerusalem was not known when its blessings showed up very quickly in the form of land expropriation in the New and Old City of Jerusalem. The steps which followed explained the general characteristics of the planning scheme to be applied in the City. Some aspects of these characteristics were conveyed to the public through the local Press, other publication and building activities. The following points explain the general aims of the scheme:

1. The Israeli expropriation of 116 dunams in the Old City of Jerusalem.⁸ The plan called for the expulsion of 10,000 Arabs⁹ under the pretext of congestion and bad housing conditions.¹⁰ At the same time they planned to accommodate 5,000 Jews in the extended Jewish Quarter.

2. The wiping out of the Arab Moghrabi Quarter adjacent to the Wailing Wall.

3. The Arab Areas outside the City wall were classified into three categories:¹¹

(a) Archeological sites where building was not allowed.

(b) Green Areas where no construction was allowed.

(c) Special areas subject to special regulations which limit building activity.

Most of the land left outside these zones was expropriated. This expropriated land exceeded 20,000 dunams¹² used completely for the building of new Jewish neighborhoods and satellites:¹³

1. Ramat Eshkol: (600 dunams, 2,200 dwellings, services).

2. Maalot Dafna (270 dunams, 1,400 dwellings, services).

⁶ Dakkak, Ibrahim; "Al Kuds Wa A'Shru Sanawat Min Al Mu'Anah"; Al-Kuds, June 1977 (Arabic).

⁷ Schul, Zee'v; "The Meaning of the New Map"; The Jerusalem Post Magazine, June 26, 1968; p. 6.

⁸ The No. of Araba per dunam in the Old City is 140 while No. of Jewa per dunam is 36.

⁹ Mr. Kollek, the Israel Mayor of Jerusalem, mentioned during the discussion in the meeting of the Jerusalem Committee that the need stands to minimize the density of the Arabs in the Old City where the occupancy reaches to 10 persons per room (cf; the Jerusalem Committee proceedings II, 1973, p. 37). The 10,000 figure was suggested by the Jerusalem planning team (Of. Sharon Arleh; "Planning Jerusalem the Old City and Its Environs"; Weidenfeld and Nicolson; Jerusalem 1973 p. 117).

¹⁰ Sharon, Arleh; op. cit; p. 117.

¹¹ Ibid.

¹² Dakkak, Ibrahim; Ta'Atheer Al-Ihtlal Al-Isra'eli A'La Al-Iskan Al-Arabi Fi Al-Kuds; A paper submitted to the Housing Symposium in Amman in Apr. 1977 (Mimeographed) p. 6 (Arabic).

¹³ Kroyanker, David; "Developing Jerusalem 1967-1975"; Jerusalem Foundation and David Kroyanker 1975; pp. 191-202.

3. Ramot (2,500 dunams, 8,000 dwellings, 35,000 inhabitants).

4. Neve Yacoub (820 dunams, 4,000 dwellings, 17,000 inhabitants).

5. Gilo (10,000 dwellings, 35,000 inhabitants).

6. East Talpiot (2,700 dunams, 5,000 dwellings, 15,000 inhabitants).

The future plans for the rest of the Arab land in the area of Jerusalem and its environs are not yet officially revealed. But information leaked in the local Press reveals the following:

1. 70,000 dunams to the east of Jerusalem were announced to be restricted areas by military order. On this land the Maaie Adumim (Al-Khan Al-Ahmar) center was established.¹⁴

2. New Jewish settlements were suggested by the planner Shaked, to be built around the City of Jerusalem. Three of these settlements and four villages are suggested to accommodate (75,000-150,000) inhabitants, and five satellites are to accommodate 25,000 inhabitants. The location for these settlements is suggested to be to the north and north west of Ramallah¹⁵ and at Al-Khan Al-Ahmar mentioned before.

3. Other settlements are suggested also to the north west of Ramallah, and in the Ras to the north and north west of Beit Jala.¹⁶

4. A 10,000 dwellings scheme between Neve Yacoub and French Hill is under consideration.

5. It was reported that another 10,000 dwellings, are to be built between Ramot (Nabi Samuel) and Neve Yacoub by the year 1982¹⁷.

6. By the end of the decade there should be close to 40,000 Jewish families living beyond the former armistice line.¹⁸

The aim of this pursuit is to keep the Arab population in Jerusalem within a one third minority limit¹⁹.

This policy was maintained, and the execution of it was facilitated by the 'open bridge' policy. This policy acted as release valve for the jobless and the homeless and effectively decreased the resistance of the population to these Israeli designs.

The one third to two thirds policy²⁰ logically called for the same percentage of constructional activity for both groups, but this was never followed by the Israeli administration.

The Israeli plan called for the building of 68,000 extra rooms for the Arabs by the year 1985 and 250,000 for the Jews based on an occupancy rate of 1.2 persons/room for the Jews and 1.6 persons/room for the Arabs²¹.

If the 68,000 rooms are converted to housing units that should have been built up until 1976 the number should have been 7,400 units. During the same period only 1,000 residential units were established either in the form of simple units or as extensive additions to existing housing²². In other words the Arab housing programme as envisaged by the planning authority lagged by more than 6,000 units.

On the other hand it is a well known fact in Jerusalem that many residential units in the Jewish neighborhoods built on expropriated Arab land find no Jews to occupy them. These were left to accommodate potential new-comers.

The Israeli drive towards giving Jerusalem a dominant Jewish character touched extra sensitive points, namely the Haram Al-Sharif.

The problem of the property of this Holy Sanctuary was given prominence upon the challenge of the Israelis to the Muslim authority. The Moslems from the beginning of the Zionist movement have been deeply suspicious of Jewish intentions. They always feared that the Jews ultimately aimed at the seizure of Al-Haram Al-Sharif and the destruction of the Islamic Sanctuaries. Although

¹⁴ Dakkak, Ibrahim; op. cit; app. No. 5.

¹⁵ Ash-Sha'Ab Daily Newspaper, Dec. 9, 1975.

¹⁶ Ibid.

¹⁷ Rabinovich, Abraham; "On Building a Fortress Around Jerusalem"; Jerusalem Post Magazine; Nov. 8, 1974.

¹⁸ Ibid.

¹⁹ Kroyanker, David; op. cit; p. 20.

²⁰ Professor N. Lichfield, The then Chief Planner in the Jerusalem Municipality declared in his comments in the discussions of the Jerusalem Committee that this proportion was dictated by the Prime Minister of Israel. (Cf. Jerusalem Committee proceedings II, 1973; p. 53)

²¹ The Jerusalem Master Plan Bureau, "The Master Plan 1968"; interim report, condensed from table 3, p. a6.

²² Kroyanker, David; op. cit; p. 44.

this was denied by the Zionist and the Israelis time and again, there were Jewish writers, scholars and visionaries who gave substance to such suspicions²³.

Moreover, in June 1967, within hours of the conquest of the Old City, the Chief Rabbi of the Israeli army, Brigadier Goren, with some of his followers entered the Area and conducted Jewish prayers (in the Haram . . . and a few weeks later he suggested erecting a synagogue on the Esplanade of Al-Aksa Mosque. In addition, on 17 August 1969, four days before the fire in the Aksa Mosque, a group of the Jewish National Youth-Betar²⁴ against the protests of the Muslim officials held a ceremonial parade in the precincts near the Dome of the Rock, where their leader in his address complained that the Temple Mount was still 'held by Aliens'²⁵ and called for the rebuilding of a third Temple.²⁶

Moreover, in September 1967, the Defense Minister confiscated the keys of the Moghrabi Gate thus depriving the Muslims of their long established right to sole control of the entrances and areas of the Haram Al-Sharif. This reflected a deep concern and suspicion that the Haram could be desecrated and probably subjected to sinister designs. This feeling was further reinforced by the burning of Al-Aksa Mosque on 21 August 1969.

Although the authorities were able to prove that the gutting was made by a Christian from Australia²⁷ and not by a Jew, the investigation set up by the Muslim Council shed doubt on the official claim. The Committee which was composed of engineers reported that the fire started in more than one locality at the same time, which implied that more than one person was involved.

The appeal of thirteen Jews on 13 April 1969, four months before the fire in the Mosque, to the High Court of Justice for an order nisi against the Minister of Police²⁷ was considered a prelude to the Israeli designs against the Al-Haram Al-Sharif. The order nisi asked the Minister to give cause why he should not ensure that suitable protection be given by the Israeli Police, to prevent the applicants' prayer from being disturbed . . . and to show reason why instruction should not be given to Israeli Police personnel to refrain from interfering with the applicants' prayer.²⁸

The rejection of the High Court to the request was based on the remarks of the Attorney General which agreed, *inter alia*, with the views expressed by the Minister of Religious Affairs in the Knesset which stated that "there is nothing in the law which forbids a minyan (a gathering of ten Jews) from visiting the Temple Mount and praying there", he added, "however the implementation of this right depends on the maintenance of public order, and this was within the jurisdiction of the Minister of Police²⁹". The Attorney General, on his part, assessed the problem as political and not judicial³⁰.

The decision taken by these Israeli Officers practically legalized the Jewish claim to the property of the Haram Al-Sharif and the right of the Jews to pray on it in contravention of the status quo agreement on the Holy Places issued in 1930. The Minister of Religious Affairs stressed this fact in a press interview by saying that the Temple Mount (Al-Haram Al-Sharif) and the Tomb of the Patriarchs in Hebron (the Ibrahim Mosque) are Jewish property because they were purchased with blood and money.³¹

The question arises as to what are the prospects for the property of the Haram and the rights of the Muslims?

The answer could best be found in the permission granted for the Jews to use the Ibrahim Mosque in Hebron in the form of a *fait accompli* and in the enforcement of a *modus vivendi* in the situation. It is highly probable in the light of this experience and the statement of the Minister for Religious Affairs mentioned above that a similar situation may be forced on the Haram in Jerusalem as a prelude to the total control. This is reminiscent of the Crusaders' action in converting the Dome of the Rock into the Church of *Templum Domini* and the Aksa Mosque to *Templum Solomonis*. However, the consequences of such action remain to be known in the event of these suspicions materializing.

²³ Zanier, Walter, "Israel and the Holy Places of Christianton"; Weidenfeld and Nicolson, London 1971; p. 2.

²⁴ The youth organization of the Herut Party headed by Menahem Begin.

²⁵ Jerusalem Post, Aug. 18, 1969. Quoted by Zander, Walter *op. cit.*; p. 2.

²⁶ Rohan.

²⁷ Benvenisti, Meron; *op. cit.*; p. 293.

²⁸ *Ibid.*; pp. 293-294.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*; pp. 288-89.

The application of the Israeli law in Jerusalem brought more problems to the Jerusalem Arabs. "The officials of the Israeli Ministry of Religious Affairs wanted to impose all the Israeli laws and procedures on the Sharia (Religious) legal system of East Jerusalem. The Ministry . . . also wanted to take over control of the Waqf (Muslim endowment) property³²". The Israelis considered that the Sharia in Israel was not identical with the one applied in Jordan. Besides the Qadis (Judges) did not renounce their Jordanian citizenship and did not swear allegiance to the President of Israel. The reaction of the Muslim leadership came in the form of a Fatwa³³ which objected to the Israeli interference in Muslim religious affairs. The Fatwa stated, inter alia, "since the principle of Islamic law require Muslims to take upon themselves, under conditions such as those now reigning, all responsibility for matters of their religion, it is prohibited for non-Muslims to be in-charge in Muslim religious affairs."

The Fatwa, as such, gave the Islamic legal background to resist the Israeli interference in Islamic affairs. It also gave spirit for all those who cared to resist the annexation of Jerusalem and general occupation on political grounds.

Depending on this Fatwa the Sharia Courts work now independently of the Israeli authorities and on the willingness of the people to accept its rulings.

The Israelis stopped at no limit to force their will and to create conditions suitable for their purposes. One of their activities which caused concern to the Arabs and the world at large was the archeological excavations conducted around Al-Haram Al-Sharif. Two digs were started. One was under the supervision of Benjamin Mazar of the Hebrew University in Jerusalem. The other one was sponsored by the Israeli Ministry of Religious Affairs.

The mazar dig started in 1968 and is still in progress today. It covers the area to the south and south west of the Haram Al-Sharif.

The Ministry of Religious Affairs dig took the form of tunnelling under Islamic buildings of great historical value and was supervised by Rabbi Perla, who lacked knowledge and interest in the value of the area on top of the tunnel. All he cared for was to expose the Herodian wall underneath.

Although less incompetent than the dig of the Ministry of Religious Affairs, the Mazar dig nevertheless constituted an eminent danger to the future of the Haram Al-Sharif and the area surrounding it. Chief Rabbi Nissim in a memorandum to the Ministerial Committee for the Holy Places approved that the four walls of Al-Haram area are sanctified and that praying at the wall is the main thing, and everything else is incidental. He asked that all the length of the western wall of the Haram be cleared of all the buildings adjacent to it and that it be made available for worship.³⁴

It is feared that this attitude of the Religious authority reinforced by the finds of the dig from the Herodian period would turn the whole area surrounding the Haram into a Jewish praying area. The ultimate result of such a policy is that it would turn the Islamic historical area and the Haram in particular into a Jewish domain.

The tunnelling conducted by the Ministry of Religious Affairs was visited many times by the author in his capacity as the engineer in charge of the restoration of the Aksa Mosque. It is 2-3 meters wide dug through the soil bearing the foundation of the Islamic historical buildings on top of it. One side of it exposes the Herodian wall, the other side and the ceiling were supported by timber for some time.

The meager supervision by the Ministry of Religious Affairs of this dig is a cause for more suspicion and worry for the Muslims, especially if we consider the influence held by the Chief Rabbis over this Ministry and its personnel.

The suspicions harboured by all concerned proved correct when cracks started to appear in the historical buildings. A summary of these incidents is given here:

1. The Ribat Kurd (Hospice of the Amir Kurd, was founded by Al-Maqarr Al-Sayfi Kurd, Sahib Al-Diyar Misryya in the year 693/1293-4.³⁵ "The Ribat partially collapsed in December 1971 as a result of extensive tunnelling by Israel's Ministry of Religious Affairs . . . almost at once the damaged hospice became a focus of world wide attention, since the Ministry of Religious Affairs hoped

³² Ibid : p. 283.

³³ Fatwa in Arabic means a Binding Religious Opinion.

³⁴ Benvenisti, Meron : op. cit.; p. 314.

³⁵ Hanbali, Mujir-ül-Din ; "Al-Uns Al-Jaili Bi Tarikh Al-Kuds Wa Al-Khalil" ; 2 vol. ; Muhtasib, 2d vol. p. 37 (Arabic) 1973.

to exploit the situation by demolishing the precarious structure, and its neighbours, to create a second walling wall 'plazza', this one in the heart of the Muslim Quarter. Opposition to this plan prevented any immediate action and makeshift supports were erected to prevent further collapse until a decision was taken."³⁶ This opposition came from the Muslim Council in Jerusalem, Dame Kathleen Kenyon³⁷ and many other concerned bodies. Mr. Benvenisti, the Deputy Mayor of Jerusalem describes the incident as follows:

"The excavation of the Ministry of Religious Affairs reached the critical period in December 1971 and the Ministry requested approval for the demolition of an ancient ramshackle building³⁸ that blocked the extension of the tunnel."³⁹

2. Al-Madrassa Al-Jawhariya (Al-Jawhariya School).⁴⁰ It was built by Emir Safiy Al-Din Jawhar in the year 844/1440. The school is adjacent to Ribat Kurd on the northern side of Bab Al-Hadid street. It stands on top of the aforementioned tunnel. Serious cracks were reported by the author on March 10, 1974. The Israeli authorities agreed to support it and reinforce it. But the result was disappointing.

3. Al-Madrassa Al-Othmaniyya founded by Isfahan Shah Khatoun, daughter of Mahmud Al Uthmani in the year 840/1437.⁴¹ The Resident Engineer of the Aksa Mosque reported the collapse of the interior vestibule on Friday December 19, 1975.⁴² His evaluation of the cause of the collapse was that the extensive tunnelling conducted under the school by the Ministry of Religious Affairs was responsible. These activities gave signs of collapse four years before. The Israeli authorities were notified but no response was made. The Engineer considered that the Uthmaniyya and all buildings lining on top of the tunnel stand on virtually no foundation. Any vertical or lateral displacement, therefore, would result in serious damage to this historical building.

The Area under which this irresponsible activity takes place is the richest in Mamluk buildings in the world outside Cairo and Damascus.

World opinion in general and UNESCO in particular condemned this Israeli activity many times. In Paris in 1974 and in Nairobi in 1976 Israel faced punitive measures from UNESCO.

THE WEST BANK AND OAZA STRIP

The case study of Jerusalem under Israeli administration as summarized in the previous section is meant to shed some light on the detrimental consequences of the potential annexation of the West Bank and Gaza Strip to Israel in one way or another.

It was mentioned before that the equalization of services philosophy dates back to 1967. At that time it was meant as a first step towards the annexation of Jerusalem. In the case of the West Bank and the Gaza Strip one can trace that philosophy to two important decisions taken on two different dates, namely: the decision to consider the Allenby Bridge and the Damia Bridge⁴³ on the River Jordan as official points of entrance to Israel, and the other was to change the status of the West Bank and Gaza Strip from occupied areas to administered territories. The direct objective was to establish new facts to facilitate the future annexation of these areas.

Annexation might take different meanings in different circumstances. But the Israeli trend is to create a dominion able to serve the purposes of the religious groups, economic pressure groups and military and security services.

The options open to Israel to apply this form of hegemony were few. Total unification was criticized by some Israelis for fear of the enormous potential increase in the percentage of Arabs in Israel. The idea in principle was generally accepted provided that the Arabs be got rid of by means of economic, social and

³⁶ Borgoyne, H. M.; "The Continued Survey of the Ribat Kurd Madrassa Jawhariyya Complex in Tariq Bab Al-Hadid—Jerusalem", Levant VI, the British School of Archeology, Jerusalem, 1974; p. 51.

³⁷ The Times—London Aug. 17, 1972. See also Jerusalem Post Aug. 18, 1972.

³⁸ Ribat Kurd Building.

³⁹ Benvenisti, Meron; op. cit; p. 320.

⁴⁰ The Aksa Mosque Restoration Committee Archives, Letters No. MM/8/69/47, 107, 210 dated Mar. 10, 1974, May 25, 1974 and Oct. 1, 1974 respectively.

⁴¹ Hanball, Mujir-UI-Din; op. cit; p. 37.

⁴² The Aksa Mosque Restoration Committee Archives, Letter No. 510/281 dated Dec. 20, 1975.

⁴³ Both bridges fall on the cease fire line with Jordan.

political pressures and emigration to Arab countries. But the mass exodus of these inhabitants under these conditions might create political and legal pressures that Israel could not face.⁴⁴

vol. XI, No. 39; Cairo; p. 45.

Another choice voiced by the Alion Plan and by the mass media suggested a dual Israeli/Jordanian hegemony allowing the inhabitants to retain their Jordanian citizenship under a Jordanian civil administration and at the same time to allow Israeli political, economic and military dominance.

A third option was to grant the local Palestinians civil administration under the protection of Israel.

All three options were refused by the Palestinians in these areas because they could not meet their minimum aspirations of free self-determination and the termination of occupation.

The Israelis in their determination to create of the occupied territories an Israeli "Lebensraum" found no way to achieve this objective except by denying the Palestinians their rights.

One should remember that the 1967 war added more than one million⁴⁵ consumers to the Israeli market as well as cheap labour for its industry and agriculture. The Israeli authorities, making use of the low productivity of Arab agriculture, attracted tens of thousands of farmers and peasants to work in Israel expecting to neutralize their opposition to occupation and to minimize their care for the land and to encourage them to abandon it⁴⁶ thereby creating a floating labour force which has no commitment to the land, and opening the way at the same time, for more Jewish settlement in the abandoned areas.

The need of the Israelis to annex Jerusalem stems from religious and ideological considerations as well as pragmatic ones. It was an imperative prelude to the annexation of the whole area. It served as a test case for public opinion, bureaucratic procedures and political manipulations. The need of the Israelis to annex the West Bank and Gaza Strip is greater in terms of geopolitics and economy.

The "Sharon Plan" has defined that need in explicit terms which superseded any previous declaration including the Galilee Document (1973) and the Alion Plan (1972). In his speech on the Golan Heights Mr. Sharon, the Minister of Agriculture and the chairman of the Ministerial Committee for Settlement, said that Israel must take on a twenty year programme to settle two million Jews on the coastal plain from the Golan Heights in the north to Sharm El-Sheikh in the south.⁴⁷ The aim of that plan is three fold:

1. Thickening the area of Jewish settlements in the Jerusalem Corridor.
2. Establishing a complex of settlements in the area stretching west to a line between Jenin, Nablus and Ramallah:
3. Planning a network of roads at the center of Israel from the sea in the west to the Jordan valley in the east.⁴⁸

Senator ABOUREZK. Our final witness is Mr. Fouzi Al-Asmar, who is a poet and an Israeli citizen of Palestinian-Arab origin. He is also editor of Miftah, which is a bilingual publishing house in Israel.

TESTIMONY OF FOUZI AL-ASMAR, JOURNALIST, AUTHOR, AND EDITOR

Mr. AL-ASMAR. Thank you, Mr. Chairman, for inviting me to testify before this subcommittee. I am a Palestinian Arab and a citizen of the State of Israel. I am here to testify before this subcommittee today in my capacity as a journalist, author and editor of Miftah, a bilingual—Arabic, Hebrew—publishing house in Israel.

I wish to submit to this subcommittee that the policies which are being used by the Israeli authorities with regard to the local popula-

⁴⁴ Amad, Adna; "Al-Hukuk-Al Mughtasaba Lilinsan Al-Filistini" Assiasah Addawliyah,

⁴⁵ In other words the consumption increased by more than 30 percent.

⁴⁶ Barghuti, Bashir; "Attabaka Al-Amila Wa Attahalufat Assiyasih," Salahuddin, Jerusalem, 1977; p. 27 (Arabic).

⁴⁷ Ma'Arive; September 1977.

⁴⁸ Ibid.

tion in the occupied territories of the West Bank, the Gaza Strip, the Golan Heights and the Sinai Peninsula which have been under Israeli military occupation since the 1967 war, are in essence similar to those which have been used by the same authorities against the so-called "Israeli Arabs" since 1948.

In fact, the nature of the treatment of the Palestinian Arab population in the occupied territories as it has been indicated through previous testimonies before this subcommittee, for example, Prof. Israel Shahak, is no different from that suffered by the Palestinian Arab population under Israeli rule since 1948.

In order to learn this nature it would be instructive to examine the way in which Israeli Arabs have been treated throughout the years. I propose in this testimony to examine two aspects of this treatment: First, the violations of the right of free social, cultural, and political association; and second, the use of the defense—emergency—regulations of 1945.

Contrary to the testimony of Prof. Yehuda Zvi Blum, who testified before this subcommittee on October 17, 1977, I wish to suggest that Arabs in Israel are not free to form their own political, social, or cultural associations.

Legally, indeed, Palestinian Arabs who are Israeli citizens are allowed to form such associations. It should be indicated at this point that not every Arab in the state is an Israeli citizen. Arabs, unlike Jews, even if born in the State of Israel, do not receive citizenship automatically, but rather have to apply for it. Jews, on the other hand, receive Israeli citizenship by virtue of immigration on the basis of the law of return. In reality, however, any formation of independent Arab political or social association is not allowed, unless it is affiliated with a Jewish or Zionist association, for example, Arab members of the Israeli Parliament.

Senator ABOUREZK. Let me interrupt right there.

I asked Professor Blum yesterday if Arabs are entitled to form their own political parties and he said yes. Is that true or not true?

Mr. AL-ASMAR. It is not true if we look at it from the way that they are arranging these kinds of parties. As I said just now, these parties should be affiliated to a Zionist or to a Jewish party.

But they will not allow—although it is legal to let us form an independent Arab party. Here I want to indicate the independent Arab party. I want to also mention that Mr. Blum yesterday—I was here in the hearing—used the word "list"—Arab list, and not "parties." The way that the election is taking place in Israel is this. The party will elect the first, second, third and so on persons on the list. These Arab parties that he mentioned yesterday are affiliated with the Mapi, that is, the labor party. They will elect the person and classify his place on the list according to his reliability to the Mapi party. They will put the person in the first or second place.

We do not have any independent Arab party that we can choose the people who will be presented or representing us.

Senator ABOUREZK. So, in fact, what he said yesterday is not true; is that right?

Mr. AL-ASMAR. It is not true. There is no independent Arab party, but there are Arabs listed saying they are running and they are affiliated with the Zionists.

To illustrate this point, I shall refer to the case of the al-Ard—the land—movement, the latest of seven attempts to form independent Arab parties since the establishment of the State of Israel.

Al-Ard movement, of which I was a founding member, was first organized during the late 1950's. It was made up of Palestinian Arabs and aimed at dealing with various social and political problems and grievances faced by the Arab community in the country.

After much harassment by the authorities of the leading members of the movement, for example, internal exile, restriction of movement, the movement was finally outlawed in 1965.

A more recent example of not allowing Palestinian Arabs in Israel to form their own social and political associations is the case of the Arab students in the country. Despite the fact that the Arab students in the six universities in the country have organized themselves in order to deal with their special problems which they are facing as Arabs, members of a national minority, in predominantly Jewish universities, the authorities at the universities and the Ministry of Education of the State of Israel refuse to recognize these committees and their national Committee of Arab Students, and refuse to deal with them.

This lack of recognition results in very real obstacles which are placed before the Arab students by the authorities. For instance, when the Arab students wish to hold cultural or intellectual events on campus, no room is provided for them for such purposes, while Jewish students do enjoy this privilege.

One should only imagine not allowing Jewish students in American universities to hold Jewish cultural events using university facilities in order to appreciate the outcry about such discrimination and lack of freedom of association. Cases such as these are widely reported in the Hebrew press in Israel.

As to the use of the defense—emergency—regulations, I am pleased by the fact that even Dr. Blum indicated his dislike of this set of laws. These laws were enacted in 1945 by the British Mandatory Government and were used at the time against both Jews and Arabs.

As a result, at the February 7, 1946, conference of the Lawyers' Association in Tel-Aviv—these are Jewish lawyers—in a collective attack on the regulations, the late Mr. Dov Yosef, later a minister in the Israeli Government stated: "With regard to the security regulations the question is: Will we all be subject to official terrorism?"

And at the same meeting Mr. Ya'akov Shimshon Shapirah, who later became Israel's Minister of Justice, proclaimed: "The regime built in Palestine on the defense regulation has no parallel in any civilized nation. Even in Nazi Germany there were no such laws. * * * It is our duty to tell the whole world that the defense regulations passed by the government in Palestine destroy the very foundations of justice in this land." This appeared in Ha'praklit, February 1946, pages 58 to 64.

These regulations provide the Israel authorities with the legal tool of administratively detaining people without official charges and without trials; restricting the movement of individuals; exiling people within the country and out of it; house arresting; collective punishments; destruction of houses; and confiscation of lands. These lands,

incidentally, are considered by the authorities as redeemed lands. Their legal possession is, in most cases, transferred to the Jewish National Fund; thus legally, non-Jews, that is Palestinian Arabs, are not allowed to buy or lease these lands which are reserved for use exclusively by Jews.

In fact, both I and my family have been direct victims of these regulations. My family's land was confiscated on the basis of these regulations; and I was detained for 15 months, and was house arrested for an additional 12 months without ever being charged of any wrongdoing and without ever being tried.

In summary, the grave violations of human and civil rights of the Palestinian Arab population in the occupied territories are by no means unique to these areas alone. They have been, and still are being used against Palestinian Arabs within pre-1967 Israel boundaries.

They, in my view, are an integral part of the Zionist colonial nature of the State of Israel, within which context they must be examined.

Senator ABOUREZK. Thank you.

What were the circumstances of your own imprisonment?

Mr. AL-ASMAR. At that time they came early in the morning—3 o'clock in the morning. They searched my house. They took me with them saying that I was suspect and that I had a relationship with the enemy. They specified that it was with the popular front.

My answer was "OK. If you have evidence and you are claiming that I am living in a democratic state, then I am ready to go to court and accept what the court will say."

Later on they said that I belonged to Fatah, but they never took me to court and they never presented evidence even to me to say why they were arresting me.

In fact, I was arrested 3 weeks after my first book was published which had passed heavy censorship. I was asked about my poetry and about my writing. I think that is the main reason for putting me in jail for 15 months without charge.

Senator ABOUREZK. Was the book one of poetry?

Mr. AL-ASMAR. A book of poetry, yes.

Senator ABOUREZK. Did you criticize the Israel Government in it?

Mr. AL-ASMAR. Most of my poems are political poems. I usually write about our life and about our suffering. In fact, the book was censored. I sent it to the censor and they canceled some poems and some lines from poems and even one word from a poem.

After finally agreeing that I would publish it, then I published it. But later I was also asked about the book.

Senator ABOUREZK. A book of poetry was censored?

Mr. AL-ASMAR. Yes.

Senator ABOUREZK. How does that square with the statement by Professor Blum yesterday that Israel is the only democracy in the Middle East?

Mr. AL-ASMAR. That is his own problem.

Senator ABOUREZK. That is his own problem?

Mr. AL-ASMAR. Yes, it is his own problem.

It may be a democratic state for Jews, after which I also put a big question mark. But I cannot say that Israel is a real democratic state.

Senator ABOUREZK. Is censorship exerted against Arabs and Jews or just Arabs?

Mr. AL-ASMAR. There are two kinds of military censorship. One belongs to any articles that are going to be published in any language in Israel.

But there is another kind of censorship which belongs to the creation of the Arab writers in Israel. For example, a Jewish poet will not submit his poetry to the censorship; but, at least at that time, we were not allowed to publish anything without submitting it to the censor, even if the poem was already published in a journal or newspaper and passed the censor before. If you want to put it in a collection, then you have to resubmit it again.

From my own experience I have some poems that I published in newspapers. They did not allow me to publish them in a book.

Senator ABOUREZK. You were in prison for 15 months without charge?

Mr. AL-ASMAR. Yes.

Senator ABOUREZK. After that you were released and put under house arrest for 12 months?

Mr. AL-ASMAR. Yes.

Senator ABOUREZK. Without charge?

Mr. AL-ASMAR. Yes.

Senator ABOUREZK. In what year were you first arrested?

Mr. AL-ASMAR. I was arrested in 1969.

Senator ABOUREZK. You were released when?

Mr. AL-ASMAR. November 1970. And from November 1970 I was under house arrest until November 1971.

Senator ABOUREZK. How soon after that did you come to the United States?

Mr. AL-ASMAR. I came to the United States at the end of March 1972. I was invited to come over and give a lecture tour about the Arabs in Israel.

Senator ABOUREZK. Did you return to Israel or have you been here since then?

Mr. AL-ASMAR. I returned last year and I have been there a month ago to attend my father's funeral.

Senator ABOUREZK. Are you living in the United States now?

Mr. AL-ASMAR. Now I am here. I am working on my Ph. D.

Senator ABOUREZK. Do you plan to return to Israel?

Mr. AL-ASMAR. I will return to my fatherland because I belong there.

Senator ABOUREZK. As soon as you finish your Ph. D.?

Mr. AL-ASMAR. I hope so.

Senator ABOUREZK. Well, I have no more questions. I want to express my thanks to you for your testimony and your contribution.

We have yet to hear from the administration witnesses.

The hearings will be in recess, subject to the call of the Chair.

[Whereupon, at 11:45 a.m., the subcommittee adjourned.]



APPENDIX

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

August 12, 1949

ARTICLE 49

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

TESTIMONY OF ALFRED L. ATHERTON, JR., ASSISTANT SECRETARY OF STATE FOR THE NEAR EAST AND SOUTH ASIA

Chairmen Fraser and Hamilton, members of the subcommittees, I am here to respond to your request for the State Department's views on the subject of Israel's settlements in territories occupied in the 1967 war. With your request, you forwarded a number of questions dealing with the legal, political and factual aspects of this subject. In this statement, I will review briefly the legal and political considerations that form the basis of our policy and touch on those questions relating to the relationship of the settlements to the future status of the occupied territories. Following my statement, I am at the Subcommittees' disposal to answer today, or subsequently in writing for the record, your questions on these and other aspects of this subject.

THE U.S. POSITION

The U.S. position on Israeli settlements in the occupied territories has been consistent since this subject first became an issue in 1968.

There are two elements to our position:

First, we have viewed those settlements as an obstacle to peace because their establishment could be perceived as prejudging the outcome of negotiations dealing with the territorial aspects of final peace treaties.

United Nations Security Council Resolution 242 of November 1967 establishes the principles that peace must be based on withdrawal by Israeli armed forces from territories occupied in the 1967 conflict and the termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force. In brief, Resolution 242 envisages Israel relinquishment of occupied territories in return for Arab agreement to recognize Israel's right to exist and to live in peace with it.

The Arabs perceive Israel's settlements in the occupied territories as indicating that Israel intends to retain permanent control in the areas where the settlements are located and therefore as prejudging agreement in the negotiations on the location of the final secure and recognized boundaries called for in Resolution 242. The Israeli Government has taken the position that all issues are negotiable and that the settlements will not be an obstacle to negotiations and peace. In our view, however, once settlements are established, they inevitably create psychological and political conditions which will make it more difficult to negotiate the final disposition of areas where they are located. This is especially troublesome at a time when one of the main problems in launching peace negotiations is to persuade each side that the other intends to negotiate a settlement within the framework of Resolution 242. Thus, the settlements complicate the work of beginning the negotiations because they raise questions in Arab minds whether the negotiations, once begun, have a reasonable chance of succeeding. In this respect, they are analogous to statements from some Arab quarters which raise questions in Israeli minds whether the Arabs are really prepared to make genuine peace.

Second, we see the Israeli settlements as inconsistent with international law.

The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, which contains many of the internationally recognized rules under which military occupation should be conducted, states in Article 49 the following: "The occupying power shall not deport or transfer parts of its own population into the territory it occupies."

Both Israel and its Arab neighbors are signatories of the Convention, although Israel maintains that it does not apply to any of the territories it has occupied since 1967, and that, in any case, it does not prohibit the establishment of settlements in occupied territory. We do not agree with this view of the Convention. In addition, we believe that under international law generally a belligerent occupant is not the sovereign power and does not have the right to treat occupied territory as its own or to make changes in the territory except those necessitated by the immediate needs of the occupation. In general, an occupant may only use the resources of the territory including public lands to meet the expenses of administering the territory and the military needs of the army of occupation and for the direct benefit of the indigenous inhabitants.

THE SETTLEMENTS AND THE FUTURE OF THE TERRITORIES

You have asked me to comment on the relationship between the settlements in occupied territories and the right of self-determination of the people of those territories.

To begin with, it is essential to understand an important difference between the Sinai and the Golan Heights, on the one hand, and the West Bank and Gaza, on the other.

Territory in the Sinai and the Golan from which Israel withdraws as a result of a negotiated agreement will clearly revert respectively to Egypt and Syria, whose sovereignty is not disputed. The issue of self-determination is therefore not germane in these two cases.

In the West Bank and Gaza, however, the situation is different. Both of these territories were part of the British mandate of Palestine. While the legitimate existence of a sovereign Israel in part of Palestine is recognized, the question of sovereignty in the part of Palestine remaining outside of Israel under the 1949 Armistice agreements has not been finally resolved. Jordan in May 1950 declared that its annexation of the West Bank was without prejudice to the final settlement of the Palestine issue, and Egypt did not make any sovereign claim to the Gaza Strip during the time it was the administering authority there. Israel similarly notes the undefined nature of sovereignty in the West Bank and Gaza.

The relationship between the settlements and the principle of self-determination cannot be discussed in isolation, because the settlements are but a single factor involved in negotiating peace treaties that will provide among other things for the future of the West Bank and the Gaza Strip. In the view of the United States, the important thing concerning the future disposition of the West Bank and Gaza is that the arrangement be acceptable to the parties concerned. There is no clear consensus with respect to the question of whether, and if so how, self-determination might be expressed, or to the timing of such an expression. Whether such a consensus can be achieved in the negotiating process that lies ahead remains to be seen. This question, however, together with all the other complex issues of achieving peace in the Middle East, points up the importance of reconvening the Geneva Middle East Peace Conference so that the negotiating process can be resumed as soon as possible. We are now engaged in intensive diplomatic efforts to that end.

[From the Jerusalem Post Rosh Hashana Magazine, Sept. 12, 1977]

VISIONS, PLANS AND REALITIES

Agriculture Minister Ariel Sharon has been putting forward ambitious plans for Jewish settlement in the territories. Yosef Goell considers them in the light of prospects for peace with the Arabs, relations with the U.S., and Sharon's vision of the Israel of the future.

How serious is all the talk about new settlements across the hypothetical green line which separates pre-1967 Israel from the territories it took over in the wake of the Six Day War? The question is apposite, for it would seem that Israel's settlement plans—and actions—have come to dominate the view taken of Israel by foreign chanceries, and by foreign media and the public opinion they shape, ever since the advent to power of the Begin Government over three months ago.

Any attempt to assess what is happening in this field is confusing. One finds oneself in a morass of differing statements of intent, of much talk and little if any action, of uneasiness about plans being concocted behind the scenes. Consider the following:

Mr. Begin's first act following his electoral victory was to appear at the Gush Emunim settlement of Elon Moreh at Kaddum to promise that there would be many more Elon Morehs.

Shortly thereafter, Gush Emunim announced that by September 1 they would have people settle in 12 more sites in Samaria and Judea. They were only awaiting the go-ahead sign from the new and favourably inclined Begin Government.

On September 1, the Gush Emunim leaders, mindful of the date, held a press conference at which they expressed disappointment at the government's failure to implement these settlement plans and half promised, half threatened, that they were determined to have them in place "by the end of the summer." This deadline has since been interpreted to mean the intermediate days of Succot.

Agriculture Minister Arik Sharon, who heads the joint Government-Jewish Agency Settlement Committee, subsequently declared that Gush Emunim and the government were in agreement on settlement policy and that there would be no confrontation between them. "They have been told, and fully understand, that settlements will be established only with specific government approval," Mr. Sharon told The Post in an interview published last Friday.

The question of timing is up to the government, Mr. Sharon emphasized. When pressed, he allowed that a substantial number of new settlements could be expected to be set up within the next six months. He would not be pinned down to anything more specific than that.

Hanan Porat, the head of Gush Emunim's settlement committee, in a description of a typical week's activities published in Ha'aretz 10 days ago, wrote:

"... The Cabinet Secretary invited us to consider jointly how best to explain to the world the profound meaning that *hityashvut* (settlement) has for us. The conversation was conducted in a friendly atmosphere... In the evening we met with the Prime Minister... Several ideas were broached as to how best to advance the cause of *hityashvut*, ideas which it would be best to keep secret... I believe that a deep feeling of friendship has been established between us and Mr. Begin."

As regards action, the Begin Government, in its two-and-a-half months of office, has "legalized" three settlements established in Samaria under the Labour Government, and announced its intention of going ahead with plans made by that government for an additional three settlements in Judea and Samaria.

IS IT SERIOUS?

There are at least three contexts in which this question should be considered: the assumed effect of settlement plans and actions in the territories on the prospects for peace between Israel and the Arabs; their effect on Israel's relations with the United States in the immediate future; and their relationship to the internal demographic, social, economic and political realities of Israel today and their impact on Israel's vision of itself in the future.

Will further Israeli settlement across the green line prove prejudicial, indeed catastrophic, to the prospects for an Arab-Israel peace?

To be perfectly objective about it, no one really knows. The diametrically opposed opinions expressed on this question are actually something between sober assessments and wild guesses both dependent on opinion-holder's perception and interpretation of the causes and the present state of the Arab-Israel dispute.

To those who believe, as parts of the American political community and media seem to, that leading elements of the Arab world are at last prepared to accept Israel, and that peace is around the corner if only the right formula can be found, the obvious answer is yes, settlement on the West Bank would spell finis to such hopes.

Neither the present government, nor the Labour Governments since 1967, nor the overwhelming Israeli consensus, has ever accepted anything that comes close to such an interpretation of the state of the Arab-Israel dispute. Arab hostility is seen in terms of total opposition to the existence of Israel, regardless of Israel's size. Given his view, it is difficult to see why Israeli expansion into Judea and Samaria should prejudice the prospects for peace any more than does the continued retention of Haifa, Tiberias or Beersheba.

To be sure, there are deep differences between moderate "doves" and the Greater "hawks" identified with the core of the present Likud-NRP Government on the settlement issue. But they are less over the assumed effect of settlement on the prospects for peace than over the question of absorbing or handling the million-plus Arab population that would accrue with the retention of the territories.

The "dovish" attitude is that the forced incorporation of the 1.6 million Palestinian Arabs into an Israel of 3 million Jews would have catastrophic consequences for the nature of the society and polity that would constitute such an Israel; that the very Jewishness and the democratic character of the state would be irreparably compromised.

The "hawkish" reply is that even the doves are opposed, for security reasons, to returning the territories today. Given this tacit acquiescence in continued Israeli control, a crucial question is, who is to fill the void that exists on the West Bank? For the generally unknown fact is that a good part of the geographical area known as Judea and Samaria, or the West Bank, is either empty of population or very sparsely populated.

The Labour Government's Allon Plan was predicated on the proposition that the unpopulated Jordan Rift Valley, and the eastern slopes leading down to it from the heavily-populated spine of Samaria, would be incorporated into Israel, thus combining security advantages with those of annexing land without Arabs.

The Likud's Sharon is now seeking to expand the application of that approach. He argues that parts of the western slopes of Samaria are also thinly populated, and are even more crucial to Israel's security than the Rift Valley.

The Likud Government is carrying on with its predecessors' policy of "thickening" the Jerusalem corridor with a string of agricultural and urban settlements. These will be connected by a new road to be pushed through from Beit Horon, slightly north of Latrun, to the Atarot Industrial area north of Jerusalem, and then down to Ma'ale Adumim. Both the Atarot and the Ma'ale Adumim projects were part of the Labour Government's Allon Plan concept.

It is interesting and important to note that Arik Sharon is as emphatic as the Labour Alignment ever was about not pushing Israeli settlements into the heartland of the heavily populated mountain spine of Samaria. What is at issue, however, is the ultimate fate of the Arabs there.

The moderates who support retention of the territories for security reasons see Israel as keeping the Arab areas in trust for an eventual settlement, no matter how long delayed, in which this Arab heartland would be joined with a Palestinian Jordan. The Greater Israel hawks think of eventual annexation, when international politics permit.

There is also an unarticulated hope; that significant parts of this Arab population that will find itself a minority in a Jewish state will, somehow, fade away.

But what of the very immediate and very insistent American opposition? There is good reason to believe that this will be the most decisive factor in regard to the actual implementation of settlement plans in the immediate future.

Sharon speaks of this opposition as a passing phenomenon. By this he means the seven remaining years of the Carter Administration. But of course, no one can prophesy whether the Carter Administration will persist in this opposition throughout its term (or terms) of office, or what will be the attitude of a post-Carter administration.

Arik Sharon's statement, however, is a good indication of how sensitive the present government is to American policies on this matter.

This impression is buttressed by the passage quoted above from Hanan Porat's article regarding the government's concern about "explaining to the world the profound meaning" of *hityashvut*. Sharon's statement that new settlements would be established within six months, would seem to be based on expectations of the pricking of the Geneva bubble by then, without Israel's being blamed by the Americans for the demise of their hopes for a solution in 1977, and of a subsequent mellowing of American attitudes.

In this connection, Sharon's argument that Israeli settlement in Judea and Samaria actually works in favour of peace is interesting. It is, of course, open to the charge of being crass propaganda. But if that is what it is, it comes to counter the equally propagandist thesis that settlement is prejudicial to a peace that is within reach.

An important element in the American equation that should not be overlooked is that of Gush Emunim. The major result of Gush activities, from Sebastia through Kaddum to its present plans for 12 settlements, has been to arouse foreign opposition. There would seem to be much truth in the argument that the intentional publicity that has attended the Gush Emunim exploits, such as their egregious marches through Arab villages in Samaria, has been the main factor behind the strengthening of the view abroad that settlements spell an end to peace hopes.

Some Likud leaders admit as much, but are caught in the dilemma stemming from the very nature of the Gush. It could not continue to exist, much less maintain the strength needed for the establishment of even a handful of settlements, without such publicity.

This belief would seem to be strengthened by the virtual American silence about the recent establishment of new settlements in the Rafiah area in northern Sinal and the inauguration of the new city of Katzrin in the Golan. And this, of course, is the Labour Party's argument: that contrary to what the Likud claims, the Alignment did not neglect to settle the territories but carried it out with admirable and effective circumspection.

The most important part of the question about the seriousness of the government's settlement plans, however, concerns the glaring gap between visions, plans and realities.

Arik Sharon speaks of settling 2m. people out of a total Jewish population of 6-8m. by the end of the century in a strip, parallel to the coast, extending from the Golan, through the Jordan Rift Valley, the Arava and down to Sharm e-Sheikh at the southern tip of Sinal.

The reality, as he himself admits, is that after 10 years of settlement effort, there are fewer than 10,000 Israelis across the green line. The claim that a good many of the settlements in the Rift Valley are nearly empty, or very thinly occupied, was not just a piece of Alignment electioneering *gaucherie*, but a sorry fact. There are still about ten times as many Arabs in Jericho and neighbouring Anja as in all the 15 Israeli settlements in the valley. Kiryat Arba, further to the south, is one-third empty.

In the much shorter term, he speaks of the great urgency of thickening the Jerusalem corridor; settling the western slopes of Samaria and the cross-Samaria highway which is to connect the coastal plain with the Rift Valley;

rescuing the wide areas between Hebron and the Arad Valley from the deprivations of Arab poachers; continuing the settlement of the Rafiah gap, and seriously tackling the problem of the Jewish-Arab population balance in Galilee. The weakness here is that there is no reference to priorities among these many goals.

To continue with the realities: Gush Emunim claims, at most, several hundred families who are ready to establish their 12 settlements. Sharon says that an additional several hundred young families have signed up to "go on *hityashvut*" as evidence of a reawakening of true patriotic and Zionist fervour.

A few thousand souls who have indicated their intentions, but not done anything yet to implement them, are a fraction of the much larger numbers which have actually gone to settle under Labour Governments during the past 10 years. This hardly constitutes the revolution in attitudes required to move Israelis from the coastal strip to the parallel strip inland.

Of course, there is always aliya. But last year, the number of immigrants totalled 21,000. There are no exact figures, but it is believed that the number of those who left the country as undeclared emigrants is close to that figure. This has been the case for the past three years.

Cause for greater concern is the fact that few, if any, Jews who are seeking to leave such trouble spots as Argentina or South Africa are thinking of coming to Israel. This is a repetition of the behaviour of the much smaller community of Chilean Jewry which, when forced to leave Chile several years ago, chose not to come to Israel. And the drop-out rate among Jews leaving the Soviet Union has continued to be above 50 per cent for a good part of this year.

Against this depressing background, the major debate which seems to be developing around the question of the future of aliya is whether Aryeh Duizin of the Jewish Agency or Absorption Minister David Levy will control their absorption.

Is it serious? Not really. At least not yet.

Mr. Sharon is absolutely correct in saying that Israel needs a guiding vision, and that the vision of a second surge of settlement activity could prove as energizing for Israel and for the Jewish people as was the first, which seems to have run out of human steam some years ago.

Arik Sharon is far from being the originator of this vision, but if he is to be its prophet in the new regime, one hopes that he is aware of a number of problems and ironies connected with its implementation under a Likud Government.

Of all the factors involved in turning such a vision into reality—political constraints, money, land and people—the last is the most important and the most problematic. People must be moved to participate in and carry through such a major project in continuing nation-building and that generally requires the inspiration of a movement.

Irony number one is that of all of Israel's political movements Mr. Begin's Herut and its partner in the Likud, the Liberals, have historically been the furthest removed from Israel's first-stage settlement effort. Whether they will be able to organize a true movement that will enthuse and energize the countless thousands of Israelis and prospective immigrants without whom such a gargantuan project will remain nothing more than yellowing blueprints, remains to be seen.

Arik Sharon is very close to the mark when he notes that, in order to get such a human movement off the ground and sustain its momentum, established Israel along the coastal plain will have to be deprived of its preferential suckling-place at the teats of the national treasury. One will have to await the return from the United States of Finance Minister Simcha Ehrlich and the entire Treasury elite, to canvass their opinion in the matter. In addition one cannot refrain from cynical thoughts concerning the views of the Likud's supporters in the Cities of the Plain.

Mr. Sharon's potentially biggest ally in his declared intention of turning Israel around is the *hityashvut* movement—the *kibutzim* and *moshavim*—whose dedicated members constituted the human element of Israel's first settlement urge.

The second irony is that this impressive human reserve is largely organized in the parties that oppose the present government.

The success or failure of Arik Sharon's and the Begin Government's ambitious plans for the physical and political future of Israel partly may well depend on whether they are capable of overcoming the wall of mutual suspicion that exists between Israel's new rulers and her old pioneers. In a much larger sense it will depend on revolutionizing the relationship between Israel and the Jewish people on the sore subject of aliya.

[From the Jerusalem Post, Sept. 9, 1977]

A VISION OF ISRAEL AT CENTURY'S END

(Ariel Sharon interviewed by Yosef Goell)

"I admit it all sounds like a dream. But everything we have ever done started out as a dream."

Thus spoke Arik Sharon, the pragmatic general, the Yom Kippur War's "Arik King of Israel," today's Minister of Agriculture and more important, head of the joint Government-Jewish Agency Committee on Settlement.

I had come to interview Arik on settlement plans, intending to begin with the *de rigueur* question about his impending confrontation with the Gush Emunim. He insisted however, on shifting the burden of the interview to his vision of Israel at century's end and its implication for today's settlement policy.

If one projects one's thoughts 20-30 years ahead, Arik says, the seemingly insuperable obstacles to further settlement in the territories assume their true proportions as passing problems.

The main thing is to keep one's eye on an Israel with a Jewish population of 6-8 million, at least two million of whom will reside in an inland strip parallel to the present coastal strip, and extending from the Golan, through the Jordan Rift Valley, the Arava and down to Sharm el-Sheikh.

Once you look at it that way, everything else falls into place, he argues.

But what do we do with American opposition to settlement in Judea and Samaria?

"It will change. Look, I welcomed the election of Jimmy Carter as president, and I still do; I greatly resented pressures to which we were subjected by the Ford Administration. But at worst it (the Carter Administration) is a passing phase compared with our long-range goals; it will be there for a maximum of eight years."

Arik affects the same attitude towards the impact of the Geneva Conference, or last week's Arab Foreign Ministers conference, on the fate of his settlement plans.

Beneath this philosophical exterior, however, one senses that he's boiling.

"Several days ago someone from the British Embassy contacted me with an urgent query from London as to whether it was true that Israel had established a new settlement near Jenin.

"I told him, 'I didn't know that you still maintain a Colonial Office.'

"It's really none of their business. Just like what they choose to do in Scotland is none of ours."

Turning to politics, he charges it was the previous Labor Government that created a situation in which Israel became almost totally dependent on foreign approval or disapproval of its actions in its own domestic affairs.

Obviously addressing himself to the foreign critics of the Begin Government's settlement policy—whose architect he is, and whose presumed builder he will be—Arik notes:

"These plans are not prejudicial to the prospects of peace. To the contrary. The creation of bands of settlements through Judea and Samaria will give us a sense of security for the first time, which in turn will permit us to entertain more daring solutions to the question of the Arab population than we can permit ourselves today."

It is specifically such a settlement plan which will enable Israel to leave her options open in this regard, he argues. He insists that the Begin Government has no intention of expropriating privately owned Arab lands for the settlement projects, nor of pushing Israeli settlement into the areas of high Arab population density on the spine of the Samaria mountains between Jenin, Nablus and Ramallah.

The Labor Government's Allon Plan concept, he points out, did not provide solutions for Israel's security needs, and would therefore in the long run have closed off such options.

What are the plans of which he speaks?

The basis for all the plans is the concept of leap-frogging from the coastal strip, which was the main site of Jewish settlement in the first century of Zionist settlement, to the parallel inland strip.

"It all depends on what sort of Israel one envisions, an overcrowded, nervous, irritating and ecologically sick strip of concrete along the coast, or an ecologically healthy country with a sound distribution of its millions of inhabitants over a much larger area which will provide for basic security and a healthy economy and society."

THE PLAN'S SPECIFICS

Since the question was obviously rhetorical, we went on to consider the specifics of the plan calling for an eventual two million Jews living in the inland strip. The short term plans leading up to it concentrate much more on the connective tissue that makes up the area between the two strips.

For Arik there are several points of great urgency:

Thickening the Jerusalem corridor so that it never again presents the lure to attack that it did in its narrower pre-1967 state. This means pushing an alternative road through from Beit Horon, slightly north of Latrun, to the Atarot industrial park between Jerusalem and Ramallah and then over the crest and down to the new industrial park and town being built at Maaleh Adumin, 15 kms, east of Jerusalem on the Jericho road. Settlements, especially of an urban, industrial and residential character are to be built along this road;

Connecting the coastal belt with the inland strip by means of a broad highway originating at about Petah Tikva, and going through the newly established settlement of Pe'erim (Mes'ha) through the biblical Shilo, which will be resettled, to the new regional centre of Maale Ephraim in the Jordan Valley foothills and down to the Valley road;

The foothill areas to the south of Hebron. There, Arik says, Arabs from the Hebron area have taken over tens of thousands of dunams of state-owned land on both sides of the former green line, plowing, sowing and even building homes. The only way to stop this poaching, he declares, is by establishing a string of Israeli settlements, of which Yattir will be the first;

(In an aside, Arik notes that over 10,000 Arabs are similarly encroaching on state-owned lands between Ashkelon and Hadera on 800 sites. "Something will have to be done about that," he mutters, and adds that the situation in Galilee, with Arabs taking over State-owned lands, is not much better. "One of the absurdities of our situation," he says, "is that over the past 10 years less than 10,000 Jews have been settled across the green line and the world is in a tizzy; but in the same period, over 30,000 Arabs from the territories have come to reside in Israel, including Jerusalem, and no one says a thing."

The western slopes of Samaria. Arik notes that as a result of the 1949 Armistice Agreements, Israel's narrow waist has been bounded on the east by a string of Arab villages from Umm el-Fahm to Kafr Kassem, whose inhabitants today number close to 100,000. Immediately on the other side of the former green line is another band of dense Arab settlements in towns such as Tulkarm and Kalkilya and the villages in between, which also number close to 100,000 inhabitants. The danger, he says, is that this solid Arab block will grow to join the other area of dense Arab settlement on the mountain tops. This must be prevented by the insertion of a wedge of Israeli settlements in the sparsely populated western slopes. This would consist of a line going from Dothan in the north through Shrom (Sebastia), Kaddum, Karnel Shomron, Pe'erim, Timnat Heres, Nebi Salah and Beit Horon.

These projects are the ones meriting greatest urgency, but the continuing settlement of the Golan, the Jordan Rift, Galilee, the Rafiah Gap and its connection with Eilat will not be neglected, while the more urgent projects are being attended to.

Where are all the settlers to come from? Gush Emunim will provide some, the other settlement movements others, and "there is also a most gratifying rush of hundreds of young families who have already signed up with us for settlement projects."

Sharon is especially encouraged by this latter phenomenon of youngsters from well-to-do homes, with good jobs and incomes deciding to accept the challenge of striking out in new directions. It is a good sign for the future realization of his visions, he feels.

But his eyes are set primarily on a resumption of large scale aliya of young Jews seeking new challenges.

"Jews," he says, "will never come here for the purpose of living a materially more comfortable life than they can have in the galut. They will come if we offer them a challenge and a flag to follow."

He feels that the idea of large scale settlement which will, be pluralistic enough to provide different forms and different challenges to different groups, is the answer.

Finally, getting to the Gush Emunim question which is on the tip of my tongue, Arik denies press reports that he was warned the Gush not to dare settle on their own without Government approval.

"There is no confrontation between us and there will be none. The Gush understands that settlement is to be only on the basis of Government approval. The operative question is that of timing, and that will be decided by the Government."

Other settlement movements will be encouraged to settle in accordance with their own ideological limitations, he says. If one movement refuses to settle in Samaria, but agrees to settle in the Golan, Galilee or Rafiah, they will be welcome.

He feels that a significant number of American Jews and American Jewish communities will respond to the challenge of setting up independent settlements of their own. If, for example, American Jews want the chance of establishing a town of their own in Galilee according to their own ideas and their own standards, the new government will give them that chance, he says.

"The main thing is to get around the monster bureaucracy that has grown up around the whole settlement setup and free it from its shackles. That, and making sure that national resources are diverted from the coastal belt to the new projects inland. Admittedly its a difficult thing to do politically, but it will be done because it has to be done."

What do Finance Minister Simba Ehrlich and the other Ministers have to say to what sounds like a bit of political malverte on the part of the new boy?

Arik does not answer directly but goes over to speak of the atmosphere in which the Begin Government conducts its business.

"These plans I've outlined have not yet been approved by the entire Cabinet. But there's no need for that at this stage. I've presented them to Prime Minister Begin and shown them to the other concerned Ministers and all have approved.

"The important thing to understand about this Government is that it has a clear line of its own. Because of that, and because Prime Minister Begin is the most authoritative Premier since Ben-Gurion, every one of the Ministers enjoys much greater autonomy in his field than was the case in the previous governments.

"There is no backbiting or backstabbing among the Ministers, and we have been working in optimal harmony and coordination. In my capacity as Minister of Agriculture I meet with the two other economic Ministers, Finance Minister Ehrlich and Industry Minister Hurvitz, weekly, and we get along fine."

The autonomy Sharon speaks of has been great enough to permit him to lord it over his Joint-Committee on Settlement, and to withhold details of his plans from its Jewish Agency members, most of whom are Labor Party appointees. As far as I could learn he has the Prime Minister's support in this policy in the interests of maintaining maximum secrecy on what they consider to be a very sensitive subject.

The same was true of the interview. It was difficult to learn whether there are fully detailed plans for the establishment of settlements in accordance with the general guidelines outlined above, or whether the whole matter was still one of rather empty ideological posturing.

"Make no mistake about it," Arik brought us out of our heretical reveries, "This Government will establish many new settlements. That's what it was elected to do and that's what it will do." (There was no *Im yirtze hashem*—"God Willing"—which has become a required appendage to declarative sentences uttered by Begin Government ministers.)

"The former Government did not recognize the right of all Jews to settle in all parts of Eretz Yisrael. This government does. We will not allow the situation to go on under which Arabs were permitted to reside anywhere in our land, but Jews were not.

"I and my plan do not represent an extreme position. To the contrary, I am ready, as I explained, to consider different options for a solution of the problem of this country's Arabs. The condition for such flexibility is that we neutralize the danger to our security. This is what the Allon Plan concept failed to do, and what our plan provides for.

"We are also basing ourselves on the belief that Jews and Arabs can live together in peace. I have believed this ever since I was a child, and continue to believe so today. What has changed is that now I am in a position to try to do something to prove it."

ISRAELI LAND ACQUISITION IN OCCUPIED TERRITORY, 1967-77

(By John Ruedy¹)

This paper represents a first, and as yet incomplete, attempt by the author to take an overview of Israeli land acquisition in territories conquered from the Arabs in 1967. It also attempts to relate that acquisition to a larger process of Jewish land appropriation which began three quarters of a century ago. There is much more research to be done before the tentative findings contained below can be considered definitive.

Under the influence of the intellectual inputs of the second aliya of 1904-14, the emerging Zionist ethos began to reserve a central, even primordial place for ownership and cultivation of land. While no more than 19 percent of Jewish settlers in Palestine have at any one time been residents on the land, the kibbutzim and similar institutions are ensconced in the emotional and intellectual heart of Zionism. From a more practical point of view, Zionist leadership determined as early as 1910 that reliable and permanent political control could only exist when the land was juridicially, economically, and actually under Jewish control.

By 1950, the Conciliation Commission for Palestine estimated that Jews in the 77 percent of Mandate Palestine that had become Israel held some 640,000 hectares of cultivable land. Of this total, some 457,400 hectares, or 72 percent, had been Arab owned or occupied two years before. It is instructive to look briefly at how this transformation came about.

Using Zionist figures supplied to the United Nations Special Commission on Palestine in 1947, Jews on the eve of Israeli statehood were in possession of about 180,000 hectares of land in all Palestine. That area represented between 9 percent and 12 percent of the cultivable land in the country. Some of this land had been assigned to Jews by the British authorities out of reserves of state land. Most of it had been purchased over the years by Jewish agencies and individuals. A good portion, though by no means all, was purchased from absentee landowners. With the enormous immigration pressures occasioned by Hitler's rise to power in 1933, Jewish purchasing agents began to offer what appeared to Palestinian owners of the time as astronomical prices. An interesting aspect of Jewish National Fund land policy was the decision from about 1936 to use the pattern of land purchases to attempt to create "facts" to weigh on possible future political decisions. When it became clear to the Zionist leadership that some form of partition of Palestine was a distinct possibility, emergency measures were taken to establish Jewish toeholds in districts that until then had little or no Jewish settlement. This establishment of landed "facts" is a theme that recurs even more dramatically after 1967.

By virtue of their 1948 victory Zionists fell heir to the legal apparatus of the state, which in turn permitted them to enter into possession of all but 53,000 hectares of cultivable land within their lines. Firstly they inherited the Mandate's public domain, a not inconsiderable portion of which consisted of land actually farmed or used for grazing by Arabs. Secondly, they took over an enormous amount of land owned by Arabs who had fled or were driven beyond Jewish lines and whom they did not subsequently permit to return. Forty percent of land owned by Arabs who were still in Israel was also appropriated and assigned to a Custodian of Abandoned Property. By far the largest part of the property acquired by the Jewish State in the late 1940's or early 1950's was property owned by Arabs and classified by the state as vacant or abandoned.

A third, widely-used technique of land acquisition was the use of the power of expropriation. Expropriation for the benefit of projects of public interest, e.g., school, roads, post offices with subsequent indemnification of those expropriated is a recognized prerogative of the modern state. In Israel it was determined that the establishment of Jewish settlements of one kind or another or the consolidation of or rounding out of existing holdings was, in fact, in the public interest. Arabs were deprived of property at fixed 1950 prices even many years after 1950 so that Jews could be settled in their places. While some Palestinians accepted the compensation offered, many would not, wishing to avoid definitively signing away their rights. In these cases expropriation amounted in fact to confiscation.

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A final technique was the imposition of *ex post facto* legal tests of land ownership. In order to regularize what the Israelis perceived as a confused land tenure situation, a law required all Arab proprietors to produce deeds of ownership or other proof of continuous holding of a property for the past 15 years. Many small holders could produce neither and subsequently lost their houses, gardens, farms or shops.

Ten years ago in *Land Policy in Colonial Algeria* I examined the techniques used by French settlers to appropriate the landed wealth of Algeria before the middle of the 19th century. The degree of similarity that exists between the techniques of European land appropriation in Palestine in the 20th century and those employed a century earlier in the Maghrib is striking. In the course of the war brought about by the coming of the Europeans, large segments of the native population flee or are driven away; one then seizes as vacant or abandoned or as enemy property, the lands so deserted. One also completely disrupts local property markets and values by offering prices several times what the local market is accustomed to. One creates *ex post facto* criteria to determine the legality of tenures. One mobilizes the expropriation powers of the state in order to settle members of the ruling ethnic group in place of the ruled. Utilizing a totally Western concept of proprietorship, one evicts from public domain lands peasants and pastoralists who have occupied them for generations.

The pattern of Israeli land acquisition in the territories occupied since 1967 is one that continues essentially the objectives and techniques of the earlier period. Political realities have, however, brought about modification in the modalities of implementation of land policy. To understand the pattern of the last ten years one must recall briefly the international and domestic political contexts in which land acquisition has taken place.

Firstly, the international consensus as expressed in Security Council Resolution No. 242 of November 1967, after stating the inadmissibility of the acquisition of territory by force, called upon the Israelis to withdraw from territories occupied in the conflict. The United States, Israeli's chief world sponsor, adhered to the resolution, and for 10 years has continued to reiterate that any boundary changes would be insubstantial and would not reflect the weight of conquest.

Secondly, the domestic political reality for Israel was that as early as December 1967, public opinion polls showed a majority of Israeli Jews in favor of retaining all or almost all the occupied territories. The religious right wing then as now spearheaded this irredentist or expansionist sentiment, but it was not limited to that group. At the same time a minority on the left favored trading territory for peace.

Governments of Israel have traditionally been coalitions dominated but not completely controlled by the Labor Party. The governments were buffeted between the requirements of the religious elements of the coalition and those of the more conciliatory elements. At the same time the governments could not afford too openly to flaunt the international consensus favoring withdrawal for fear of embarrassing or even alienating Israel's chief sponsor and protector.

It is only against the background of these competing pressures that one can begin to understand the circumspect way in which the succeeding governments of Eshkol, Meir and Rabin pursued the acquisition of Palestinian and other occupied Arab land until June 1977. The Allon Plan of settlement was first articulated only two months after the June War. Caught between maximalist, minimalist, world and U.S. opinion, no Israeli government ever officially accepted the Allon Plan. For maximalists, acceptance of the plan would have implied Israeli alienation of an important part of the national patrimony. For others it would have implied rejection of the world consensus that favored withdrawal. Yet, in accord with the Allon Plan, succeeding Israeli cabinets between 1967 and 1977 implemented what came to be known as the "Oral Law", a verbal agreement amongst key leaders of the Party with the following elements: (1) Permanent Israeli presence on the Golan Heights; (2) holding a line from El Arish on the Mediterranean to Ras Muhammad on the Red Sea; (3) holding Sharm al Shaykh and a land link to Eilat; (4) a security zone around Jerusalem, in the Latrum Bulge and south of Bethlehem; (5) a security border at the Jordan River cutting the populous heartland of the West Bank off from military support from the east. The lines would be secured by planting colonies of various types and sizes along the perimeters defined by the plan.

By mid-1976 there were some 68 settlements of different kinds, holding, by unofficial count, about 15,000 people. There were 25 settlements in the Golan

Heights; 17 in the Jordan Valley; (6) clustered around the Latrum Bulge, Jerusalem and south around Bethlehem; and 17 in Gaza and Sinal. There were also the irregular settlements at Hebron and Nablus established by the religious militants of the Gush Emunim.

One is struck by the perseverance and consistency with which a series of three governments, none of which ever adopted the plan, nevertheless labored to make it a reality. Terence Smith in a 1976 New York Times article estimated that Israel had by then spent at least \$500 million on settlements—an enormous sum for a state in Israel's financial condition. The Allon Plan, sanctioned informally by the leadership of the dominant political party, was pursued doggedly in the face of numerous objections from Palestinians, Arab governments, the United Nations and the United States. The governments of Israel justified the settlements on the basis of their contribution to the security of the state and repeatedly maintained that their existence could not be construed as Israeli expansion or as contrary to the letter or spirit of Security Council Resolution 242.

The properties for these settlements were acquired in a variety of ways. Firstly, the Syrian, Jordanian, and Egyptian public domains fell to the Israelis by virtue of the conquest. In the West Bank that public domain amounted to about 80,000 hectares, or about one sixth of the land surface of the region. Some was desert or mountain land, some was built up area, but a considerable portion was used for farming or grazing. Secondly, there was a considerable amount of "Abandoned Property" of refugees from the 1967 war or later periods or of deportees, amounting to about 32,000 hectares in the West Bank and a considerable amount in the Golan Heights as well. Where public domain lands and abandoned lands were insufficient to the needs of settlement, the Israel Land Authority could sometimes purchase directly to acquire what it wanted. More frequently, however, it resorted to expropriation. These are expropriations entered into without benefit of public hearing and without prior consultation with the community or individuals concerned. As often as not, notice of intention to expropriate is of very short duration. Sometimes there is no advanced notice. It appears that in a considerable majority of cases expropriation amounts in practical terms to confiscation, since most Palestinians do not accept the compensation offered by the Land Authority. They do not accept it for one or a combination of reasons. Some fear that accepting compensation might make them liable under Jordanian Law which makes sale of land to Israelis a capital offense. Others out of solidarity with their communities and the national cause refuse to accept compensation. Perhaps the majority refuse Israeli money because they do not want to sign away forever claims to properties they do not want to give up.

One irony of the situation, though, is that the Israelis early on came to know that most Palestinians would not accept their compensation. They have come to count on getting most of their expropriations free; in many ways this Palestinian fear, patriotism or attachment to land, by making settlement less costly for the colonists, facilitates the achievement of Israeli goals and the alienation of the Arab patrimony.

The implementation of the Allon Plan represents the most apparent, least concealable level of Israeli territorial acquisition. At another level one encounters acquisition motivated by militant and expansionist nationalism which is undergirded for many Israelis by a traditional religious sanction. This views the Golan Heights, the West Bank, Gaza, and even parts of Sinai as liberated Jewish territory to be "reincorporated" thoroughly and permanently into "Eretz Israel". As one Israeli minister said recently in connection with the legalization of the Camp Kadum settlement at Nablus, "How can you annex the land of Israel to the people of Israel?" So, while at the overt level the never officially adopted Allon Plan is doggedly pursued and defended to the outside world and to Israeli doves as necessary for national security, at a quieter level, organs of the same state and citizens of that state are pursuing a much more inclusive goal.

There has been an enormous amount of land acquired by private Israeli citizens and by non-Israeli Jews, especially in the Jerusalem area, where a number of speculative fortunes have been made. The involvement of high government officials in some of this speculation led to a scandal a few years back.

More importantly, the Jewish National Fund and the Israel Land Authority since 1968 have been quietly buying land all over the West Bank at a rate that seems to have accelerated at least until the spring of 1976, when some observers

think it began to slow. These purchases never were limited to the perimeters of the Allon Plan. As one Israeli official said, "We will buy any land, anywhere, at any price, and in any currency."

The existence in a general way of this active purchasing program of the Land Authority and the Jewish National Fund has been an open secret for many years. In March 1976 Israel State Radio even aired a program on it. But in specifics little is known. The government often uses intermediaries to cover its purchases so that the seller does not know he has sold to Israelis. Transactions are not publicly recorded. Neither the Israel Land Authority nor the Military Governor of the West Bank will release figures of any kind on the transactions. As a result of this quieter program of acquisition, Israelis own property in Ramallah, Hebron, Nablus, Tulkarm, Jericho and all over the populated heartland of the West Bank—land whose situation bears no relation at all to the settlement patterns of the Allon Plan or to the de facto settlements of the religious militants.

Is it possible to quantify the results of Israeli land acquisition programs since 1967?—only partially and imperfectly in the present state of our knowledge. For the Golan Heights the answer is simple. By acquiring the Syrian public domain and by occupying a region devoid of nine tenths of its population, the Israelis came to own most of the land outright. Most of the settled population left the Sinai as a result of the 1967 hostilities. Israeli authorities have assumed the right to evict Bedouins from their holdings at will when lands they occupy are needed for Jewish settlement there. Gaza is a more complex case; but a few thousand hectares have been acquired there through the forced resettlement of Palestinian refugees in new Sinai quarters.

On the West Bank Israel has acquired the Jordanian public domain of 80,000 hectares, 32,000 hectares of property "abandoned" by refugees or deportees, and at least 16,000 hectares of expropriated land. The effort to quantify the purchases presents the most difficulties. According to Israel State Radio, state agencies and the Jewish National Fund spent about \$7,000,000 on land acquisitions in 1975. If that figure is representative and if \$2,000 per hectare is an average price, in nine years the Land Authority and Jewish National Fund had bought some 30,000 hectares. As of mid-1977, the total of Israeli land ownership on the West Bank is probably about 160,000 hectares, almost exactly one third of the land surface of the West Bank.

The Zionist movement is moving steadily toward control of the land which has been an essential part of its ethos for three quarters of a century. If one uses as a base figure the total land surface of Mandate Palestine, one discovers that Arabs today—in Israel and the occupied territories of Gaza and the West Bank—still hold about 380,000 hectares, or 19%. Israelis hold 1,640,000 hectares, or slightly more than 81%. In Israeli terms, "conquest of the land" has been met with stunning success.

TWO ARTICLES ON THE SETTLEMENT PROGRAM

[From the Jerusalem Post Rosh Hashana Magazine, Sept. 12, 1977]

SETTLEMENT AT THE CROSSROADS

After a decade of close coordination, the two major bodies planning settlement in rural areas appear to have reached a parting of the ways. Abraham Rabinovich looks at the plan of the Jewish Agency's Settlement Department, and compares it with the programme outlined recently by the chairman of the Ministerial Settlement Committee.

Beginning in almost offhand fashion as a grassroots movement, settlement across the pre-1967 border has developed in the past 10 years into high policy touching on cardinal questions of Israel's future.

At the end of July, 1967, members of Galilee and Jordan Valley settlements began moving into army installations on the Golan Heights abandoned by the Syrians little more than a month before. Their object was to "create facts" and ensure that a permanent civilian Israeli presence would be established on the heights which had so long been an ominous threat looming over them.

Such a presence was hardly a foregone conclusion at the time. "People were still thinking in terms of the Sinai Campaign when we pulled back after a

few months," recalls Meir Shamir, who was to become the settlement official in charge of coordination on the Golan.

Government policy would probably have evolved in due course, in the direction of settlement; but the partisan efforts certainly prodded it into movement earlier. In the case of Kiryat Arba, Rabbi Moshe Levinger and his followers squatting in a Hebron hotel pushed the government into doing something it had at first explicitly opposed—creating a Jewish urban settlement in Hebron.

The young men whose fathers had been killed or captured in the fall of the Etzion Bloc to the Arab Legion 19 years earlier began petitioning government officials for permission to resettle on that West Bank site almost as soon as the Six Day War ended. By the end of September, 1967, the government agreed to the establishment of a para-military Nahal settlement at Gush Etzion.

In the same month, the authorities decided to assist the settlers who had gone up on their own to the Golan Heights. A month later, the first schematic plan for official settlement on the Golan was drawn up. Similar planning was also begun for the other territories beyond the green line, that marked the border on the pre-1967 maps of Israel.

The post-1967 period has seen the greatest thrust in settlement building since the days of mass immigration following the establishment of the state, when some 350 settlements were established in five years.

The pace of the early '50s had gradually tapered off and on the eve of the Six Day War there were hardly any garinim—settlement groups—waiting to go up on the land. In the three years preceding the war, only five new settlements were established. In the 10 years since, 113 settlements have been established, 77 of them across the green line. The densest concentration, numbering 26, is on the Golan Heights. A close second is the lower Jordan Valley, including the eastern slopes of Samaria, with 21 settlements.

The Etzion Bloc now has seven settlements and there are three others at other points on top of the West Bank hills. The Rafiah area, including the southern tip of the Gaza Strip, has 17 existing or under construction, and the east Sinai coast south of Eilat has three.

Most of the settlements are traditional moshavim or kibbutzim; but a dozen are Nahal settlements which have not yet been "civilianized." Four on the Golan are designated civilian "outposts" and six are urban settlements.

Within the green line, 36 settlements have been established in the past decade in the Galilee, Arava, Bsor region and elsewhere.

Thousands of would-be settlers are organized today in garinim. In contrast with the European town dwellers who founded the early kibbutzim and the immigrants from Islamic countries who were settled in the post-1948 moshavim most of the new settlers are youths born in kibbutzim and moshavim.

These second-generation farmers are capable of applying modern agro-techniques without the painful years of trial their parents had to undergo. This is one of the principal reasons that the settlements are able to become self-sufficient—indeed, sometimes highly profitable—within a very few years.

The primary vehicle for rural settlement for the past half century has been the Settlement Department of the Jewish Agency. It maintained its role even after the founding of the state. With the domination by the Labour movement of both the government and the Agency, an identity of political outlook was ensured.

For legal reasons, operative responsibility for settlements beyond the green line after 1967 was given to the Settlement Department of the World Zionist Organization (WZO) which is nearly identical in its personnel with that of the Agency's Settlement Department. Since 1970, decisions on settlements beyond the green line are made by a body commonly known as the Ministerial Committee on Settlement but actually composed of an equal number of government ministers and members of the WZO.

The advent of a Likud administration has snapped the organic political ties between the government and the WZO. Each has now drawn up its own settlement plan. The head of the Ministerial Settlement Committee, Ariel Sharon, has presented his plan to Prime Minister Begin. Prof. Ra'anan Weitz, head of the WZO Settlement Department, will present his plan to the Zionist Congress in February.

The WZO plan, based on extensive professional knowledge, is likely to form an important element in the government's overall approach to settlements even

though the government undoubtedly intends to go beyond it as far as West Bank settlement is concerned.

Following is the first public look at the WZO settlement proposal for 1977-1992.

Where two-thirds of new settlements in the last 10 years were established across the green line, Weitz proposes concentrating two-thirds in Israel proper during the next 15 years. This reversal of emphasis in part reflects limitations of arable land and water across the green line. It also reflects Weitz' political views, which dictate the avoidance of settlement in the heavily-populated areas of the West Bank.

Out of the 186 settlements to be established in the period, Weitz proposes 49 for the territories. Of these, 20 are designated for the Rafiah area, 10 for the Golan Heights, four for the eastern Sinai coast and 15 for the West Bank, including the lower Jordan Valley, Judea and the slopes of Samaria.

To know the precise difference between what Weitz and Sharon have in view for the West Bank—and the only significant difference between them apparently, concerns the West Bank—we must wait for a detailed presentation of their respective plans. Both have thus far refrained from spelling out the precise sites they have in mind.

Both propose a line of settlement running from north to south on the western edge of Samaria which borders Israel's narrow waist and population centres. Weitz' settlements, however, would straddle the green line and apparently penetrate it eastward no more than two or three kilometres. Sharon indicated on a map during a television interview last Friday that this north-south line would be higher up in the foothills but still short of the crest of the central hill chain.

The difference between Sharon's line and Weitz' is probably only a few kilometres; but the West Bank is so narrow that the difference on a map is significant—especially considering that most of the opposite—eastern—slopes of Samaria are designated by both men for Jewish settlements.

This leaves only the spine of the hills—perhaps 30-40 km. wide—as an area of predominantly Arab settlement. But while Weitz would refrain from introducing Israeli settlements here except around Jerusalem and the Etzion Bloc, Sharon would create three urban centres on the crest outside the Jerusalem area—one between Bethlehem and Hebron and two at the northern end of the West Bank. He may have smaller settlements in mind as well to straddle an east-west road he proposes pushing through the heart of Samaria.

Weitz' settlement plan for the next 15 years envisions three major thrusts, which he calls the Southern Project, the Eastern Project and the Northern Project.

It is the Northern Project, settlement of the Galilee, that he speaks of with the greatest sense of urgency.

"There is a real danger of the Galilee not being an integral part of the country," he says. Living in the Galilee hills today are 62,000 Jews and 160,000 Arabs and other minorities. Between Arab Nazareth and the Lebanese border there is no Jewish settlement.

The WZO plan calls for 41 new settlements in the Galilee by 1992. To overcome the shortage of arable land, Weitz has proposed a new settlement concept—a communal village based on light industry. The first such settlements are already being developed.

The Eastern Project, embracing the Golan, lower Jordan Valley, Arava (inside the green line) and the eastern Sinai coast, envisions 29 new settlements in the next 15 years and is plainly in support of political objectives.

Major emphasis is given to the Southern Project, which overlaps the green line. Its area extends from Rafiah almost to Beersheba. Climate and soil conditions make this an ideal region for the growth of profitable winter vegetables for Europe. In the coming 15 years, 94 settlements would be built in the area, 20 of them across the green line, the rest in Israel proper.

As a central principle, Weitz' plan avoids the populated areas of the West Bank and Gaza Strip.

"History shows that you can live in peace provided you are separate," he says. "Catholic Ireland could coexist with Protestant Ulster. But an Ulster in which large numbers of Catholics live with a Protestant majority is a wound that will never heal. Cyprus won't heal unless it's divided.

"In Galilee, our solution must be to have a preponderance of Jews, with a very small Arab minority. But in the West Bank and Gaza we will never have an overwhelming preponderance, even if we have an immigration of 100,000 a year. The solution must be separation of the population while holding on to the strategic lines—along the Jordan, for instance—on which our fate depends."

[From the Jerusalem Post Rosh Hashana Magazine, Sept. 12, 1977]

A NEW CONCEPT

Development of the industrial village, or kafat, represents a 'turning point' in the concept of settlement, Dr. Ra'anán Weitz, head of the Jewish Agency's Settlement Department, tells The Post's Abraham Rabinovich.

New agricultural techniques, new military realities and new social visions are revolutionizing the character of rural settlement, which has shaped this country and much of its leadership during the past half century.

Dr. Ra'anán Weitz is the prophet of this revolution. He is one of its major architects as well.

"Rural settlement is at an historic turning point," says Weitz, who as head of the Settlement Department of the Jewish Agency is one of the country's foremost authorities on the subject.

The founders of Zionist settlement policy 60 years ago realized "explicitly or otherwise," he says, that the border of the future Jewish state would be determined by the pattern of rural settlement. They conceived settlements as self-contained units dispersed so as to dominate as much space as possible. In this context, the settlements were referred to as "points" — nekudot.

Their significance was not just political but military. The settlements came to be seen as strong points in a static defence or as jumping off points for offensive operations, in any conflict to come.

These concepts proved themselves in the War of Independence. The new state was to be shaped by the settlement pegs driven into the soil at places like Hanita, on the Lebanese border, Tirat Zvi in the Beit She'an Valley and Yad Mordechai on the Gaza approaches. Militarily, the settlements played the key blocking role envisioned for them. Only a handful of the far-flung nekudot fell to Arab attack.

Economically, the object of the settlements was to make the Jewish yishuv as self-sufficient in food as possible. It was a modest goal compared to the achievements which have made Israel one of the foremost agricultural innovators in the world. Today, the productivity of Israel's farmers is among the highest in the world—5 per cent a year.

Socially—and this was the initial impetus of the Zionist programme—the object of rural settlement was to create a new Jew, a man of the soil, free of the mentality of the Diaspora. Here too a success of epic proportions has been achieved.

By the eve of the Six Day War close to 600 farming settlements had absorbed not only city dwellers from the West but tens of thousands of immigrants from Islamic countries with no agricultural skills and little education.

"In one generation," says Weitz of the latter, "a deep, amazing transformation took place. We achieved something deemed to be impossible." The bulk of these immigrant settlements now stand on their own feet economically, and a new Israel-bred generation is beginning to take over.

As magnificent as these successes have been, the past few years have brought new realities which require a totally new approach to rural settlement, says Weitz. Militarily, exposed settlements are more of a burden than an asset when Israel's armies rely on highly mobile armoured forces. Politically, says Weitz, Israel cannot expect friends to support its claim to territory just because it has built settlements on it. But settlements can buttress Israel's claim to territory while it can demonstrate to be vital to its security needs.

Instead of isolated nekudot, settlements are now built in clusters (eshkolot) which can sustain a high level of technical, cultural and social services.

Economically, the very success of Israeli farming had, until recently, seemed to preclude the need for any more agricultural settlements, since the growth in productivity was higher than the growth in local consumption. However, the development in the past five years of "super-specialized" farming and "controlled agriculture" involving glasshouses and other enclosed structures has opened what Weitz says are "possibilities no one ever dreamed of" in the growth

of winter vegetables for the tables of Europe. The small amount of water and land needed to support a family at a high standard with this kind of farming would have seemed fantastic five years ago, says Weitz.

These developments permit him to envision 150 new settlements on what had seemed until a few years ago the sandy wastes of the northwestern Negev and Rafiah approaches. Unlike mixed farming, this is a type of agriculture requiring very high investments and a high level of skill.

The most far-reaching change in rural settlement has nothing to do with agriculture. It is the concept of the industrial village. Although it may seem a prosaic innovation, Weitz believes it offers a solution not only to a specific Israeli problem, but to some of the most fundamental problems of Western civilization.

The concept was developed in the Settlement Department. In its search for methods of establishing settlements in areas like the hill country of the Galilee where there was insufficient arable land and water for agriculture. The industrial villages—or kafatim, in their Hebrew anagram—would be organized on a cooperative basis like a moshav shitufi. Their commonly owned resource, however, would not be fields and orchards but a plant or plants in an industrial park central to a number of kafatim. These industries would be based on electronics, computers, optics and other operations which could be managed on a small scale. More than a dozen kafatim are already built or under construction.

Since the Industrial Revolution, says Weitz, Western society has been "an ever-moving society" as technological changes alter traditional occupational structures and people are obliged to move in order to find work. It is also an ever urbanizing society with the cities becoming less and less livable. In the process, says Weitz, family and community have been replaced by an amorphous society. "The basis of society—the nuclear family—is being destroyed and the signs of nihilism are increasing. Look at Sweden. They have everything and don't know what to do. Religion is gone and the family structure is gone. A mortal stands naked and asks questions he should never have to ask—who am I, where am I going?"

The model of a new society represented by the kafat, Weitz believes, offers a way out of the blind alley of super-urbanization and rootlessness. The kafat permits a wide choice of occupational opportunities while maintaining geographical stability for the individual and family. It also offers a new style of life for persons weary of the city—a rural life based on mutual help and equality. Regional organization would permit a high level of amenities commensurate with the needs of the population that would seek out this type of living.

"We are on the verge," says Weitz, "of giving the world something more far-reaching than the kibbutz or moshav."

A COLLECTION OF ARTICLES ABOUT ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES

SEPTEMBER 5, 1977.

REQUEST MADE TO ESTABLISH LOCAL COUNCIL IN KIRYAT-ABBA

(By Haaretz correspondent in Jerusalem)

Member of Knesset Mosheh-Katzav (Likud) transferred into the hands of the ministers of Interior and Security, a request made by 150 residents of Kiryat Arba to establish there a local council and hold municipal elections.

M. K. Katzav noted in his request that "Due to the special status granted to Kiryat Arba and to government policy, their request is quite justified." Kiryat Arba is presently governed by a directorate appointed by the ministries of Security and of Internal Affairs.

SEPTEMBER 15, 1977.

HUNDREDS OF FAMILIES INTERESTED IN PURCHASING APARTMENTS IN YAMIT

(By Davar economic correspondent)

Hundreds of families are interested in purchasing apartments in Yamit. 75 candidates have already been listed for housing.

"Shikun Upituah"¹ company announced that registration of candidates for apartments in Yamit, that is in Population Program, stage 2, is closed. The

¹ A governmental company.

apartments will be ready to receive the candidates by the end of next year. Requests of candidates to purchase or rent apartments will be individually considered by the committee for settling Yamit.

The candidates whose requests will be granted will receive loans, not linked to the Dollar rate, of up to 100,000 IP and the possibility of receiving another loan of up to 30,000 IP and a grant-in-aid of 25,000 IP.

The prices of apartments up for sale in Yamit range as follows: In a one-floor building, the price of a three-room flat (75 sqm) is somewhere around 235,000 IP and for a 4-room flat (86 sqm)—270,000 IP; the price of a three-room cottage (83 sqm) is 210,000 IP and for a 4-room cottage one may pay up to 230,000 IP.

SEPTEMBER 18, 1977.

RIVLIN: ARABS STEAL LAND IN THE GALILEE

Mr. Moshe Rivlin, chairman of the Jewish National Fund directorate, sounded an alarm against "Theft of land by Arabs" in the Galilee and called the authorities to react by increasing Jewish involvement in the area.

In an interview given to the Saturday radio newsprogram (Yoman Hashavua) Rivlin said that the alarm is not new and has been voiced by Jewish National Fund officials before. "The land is burning right beneath our feet for there are increasing attempts by Arabs to take land away by force and create facts on the territory." The Jewish National Fund and other institutions should do well to find the means and the resources to counteract this by preparing land for grazing and for planting. If you plant—you establish ownership. And if you hesitate someone else will have planted before you." Mr. Rivlin sees this as being one of the most important tasks of the J.N.F.

Mr. Rivlin also attaches great importance to the work of the J.N.F. in the South. As an example, he cited cases of land seizures by Arabs in the area around Yatir,² an area to be shortly settled by Jews. Mr. Rivlin expressed the hope that another settlement will soon fill the portentous gap between Yatir and Beit-Kama. "We must, in practice, return those lands to the State of Israel," Mr. Rivlin emphasized.

Mr. Rivlin avoided a lengthy discussion over the question of land purchasing in Judea and Samaria. "Concerning the purchases—the less we talk, the more we shall be able to do," he declared and added that these land purchases cannot have any budgetary significance because one cannot know today what will be available tomorrow. In any case, "The J.N.F. and other institutions must be alert so as not to miss opportunities that flare up before us."

The commentator revealed that the unclassified budget of the J.N.F. allocated 2 million IP this year for the purchase of land beyond the green boundaries. It is well-known, however, that the actual sums spent exceed the explicit allocations by far.

In any event, ample resources will always be found to finance opportunities that "flare-up" in the same way there will never be a closed budget for immigration.³

Mr. Rivlin further stated in an answer to a question, that the J.N.F. will continue to oppose government plans to allow the purchase of land by private individuals in selected urban areas in the occupied territories. There is no room for an ideological shift within the J.N.F. he said, the land belongs to the people, to the Jewish people.

SEPTEMBER 25, 1977.

GUSH-EMUNIM IS RENOVATING A HOUSE IN NABLUS CURRENTLY USED BY THE SECURITY FORCES

(By Tufik Huri)

Gush Emunim are starting today to renovate "Beit Yaakov" in Nablus, in order to use it in the future as a field-school⁴ and a base for settlements planned in the area.

² In the southern part of the West Bank.

³ The reason for the security of Mr. Rivlin that money will be always found, is that the USA will always give. Specially so for settling the occupied territories, which they nominally oppose I. Shahak.

⁴ A well-known first step to a settlement. I. Shahak.

Ahron Pick, famous for organizing the march from the Hermon to the Suez Canal will oversee the renovation. Rebuilding will take three weeks and the field-school will be opened immediately afterwards.

It should be noted, that past attempts at settling "Beit-Yaakov" notably by Rabbi Cahana and his men were resisted by the authorities. Gush Emunim will carry-out the renovation while the house is still occupied by the security forces.

The Movement For A Different Zionism, centered in Jerusalem, sent a telegram yesterday to the Prime Minister, Menahem Begin, protesting the cooperation between Gush Emunim and the security forces in the occupied territories. Such cooperation finds an expression, they declared, in the renovation of the house while it is still occupied by the I.D.F. soldiers.

The leaders of the Movement For A Different Zionism, state in their telegram that such acts form a stumbling block on the way to achieving peace and exhibit disregard of the existence of another people within the territorial boundaries of Israel.

SEPTEMBER 29, 1977.

FIELD-SCHOOLS TO BE OPENED IN YAMIT AND IN KATZRIN

The Society For the Preservation of Nature is soon to announce the opening of Field-Schools in Yamit, and, half a year later, in Katzrin.

The number of Field-Schools will then reach 15—from the Golan Heights to "Tzukei David" near the monastery of Santa-Katerina and "Naama" near Ofira: The building of two new schools, one in Har-Tavor and one in Maale Ephraim will begin in the near future.

The capacity of the field school in Har-Gilo (near Bethlehem) will be doubled this year and will reach 240. The field school in Har-Giloh will be the first to reach the second stage of building while the rest of the schools are still able to receive only 100-120 students.

There are 300 workers in field schools today, one third of which are guides, one third temporary guides (female soldiers) and one third research workers, rangers and administrative workers.

These details are revealed in the report presented to the directorate of the Society for the Preservation of Nature, that convened yesterday in Har-Giloh.

The report further stated that trips organized by the Society will include, this year, 275,000 people—in comparison with 22,000 last year and 180,000 in 1975-76.

There are 22,000 members in the Society of which a third are students and soldiers. There are, in addition, 250 collective bodies in the Society, the majority of which are kibbutzim.

The number of subscribers to the Society publications is 41,000: 24,000 subscribe to "Teva Vearetz"—a bi-monthly for adults; 7,000 to "Sal'it"—a monthly for adolescents and 10,000 to "Pashosh"—a monthly for children, presently in its fourth year.

OCTOBER 5, 1977.

A GUSH EMUNIM DETACHMENT IS CONSOLIDATING A SETTLEMENT IN THE MILITARY CAMP OF SHOMRON: A SCHOOL WILL BE ESTABLISHED AND INDUSTRIES WILL BEGIN TO OPERATE

(By Davar correspondent in Netanya)

Members of a "Gush-Emunim" detachment in the military camp Shomron in Sebastia celebrated Simchat-Torah yesterday. They were joined by their wives and children and by many Netanya residents, supporters of Gush-Emunim.

It is possible, that already this week, the wives and children of the settlers will join the men in the tents given to them by the I.D.F. Later they will transfer into their own tents.

The members will eat in a common mess-hall, which they hope to establish within ten days in a prefabricated building. They also hope to be provided with prefabs for residence before the winter.

During the first stage the settlers will continue to work at their previous jobs. The Army is prepared to employ them as salaried civilians, especially as cooks and blacksmiths. When the wives and the 70 children arrive a kindergarten and a primary school will be established. The children will be taught by members of the detachment.

Avraham Nevo, one of the activists in this group of settlers said that they are planning to establish a study-center for the Shomron which will give classes in archeology, history and geography for high school students.⁵ The classes will be taught by university graduates and professional guides from the Society for the Preservation of Nature. The study-center will accommodate groups of students for intensive study seminars. They also plan to transfer industries owned by the members to the camp. These include textiles, factories, cartons and electronics industries.

OCTOBER 6, 1977.

A GOVERNMENT COMMISSION WILL RECOMMEND, THIS MONTH, THE SIMPLIFICATION OF LAND-PURCHASING PROCEDURES IN JUDEA AND SAMARIA

(By Nahum Barnea, Davar correspondent)

An inter-ministerial commission, appointed by the Likud government will submit, by the end of the month, its suggestions on the simplification of the procedures of land-trading in the occupied territories. This information was revealed by the director-general of the Ministry of Justice in an answer to a question posed by a "Davar" correspondent.

These suggestions are intended to pave the way towards private speculation in land, pending only on the permission of the government.

It should be recalled that one of the points elaborated in the Likud election platform was the abolition of the Labor government's resolution to forbid the purchase of land in the occupied territories.

The commission, headed by the director-general of the Ministry of Justice, Meir Gabal includes representatives from the Ministry of Security and from the Land Authority. The commission was appointed about 6 weeks ago. The recommendations submitted by the commission will simplify the purchase of land by the State.

At present, land trading is carried out through the mediation of a company called "Heimanuta" which is registered as a foreign company in the files of the firm-registrar in Ramallah. The new regulations will be still subordinated to the Jordanian law but the procedures will be greatly simplified and the actual trading will take place under the auspices of the government, rather than through private companies.

If the government makes the decision to keep to its promises of election-eve and permit private individuals to enjoy the new regulations, the political consequences of the commission's recommendations will have a far-reaching political impact.

The first to enjoy these regulations will be a company called "Yariv," at the head of which, stood, until a short while ago, the Minister of Commerce and Industry, Y. Horovitz. Immediately after the Six-Day War, "Yariv" purchased hundreds of dunams near the village Jib near Nebi-Samuel, north of Jerusalem and paid 200,000 IP. The deal was carried-out in secret, through the mediation of the village Muchtar and is still not legally registered. If the government decides to "de-freeze" the regulations, "Yariv" will immediately attempt to register the land legally. It is estimated that the company will reap a profit of millions of pounds.

Yigal Horovitz' son, Yoni Horovitz, who presently heads the company told "Davar" correspondent that he hopes that the Likud government will realize its pre-election promises.

OCTOBER 7, 1977.

TEN DETACHMENTS OF SETTLERS ORGANIZED OVERSEAS—TO THE GALILEE, PITHAT-RAFLAH (RAFAH APPROACHES) AND TO THE ARAVA

(By Davar correspondent in Jerusalem)

The joint settlement committee of the government and the Jewish Agency convened yesterday in Jerusalem to hear the report of its chairman, Minister

⁵ In the Israeli public schools. I. Shahak.

⁶ Which really belongs to the Jewish National Fund. I. Shahak.

Ariel Sharon concerning the admission of a Gush-Emunim detachment into the military base "Shomron".

The committee decided to notify the bodies concerned to give the settlers all the help they may need with regard to housing, community services and work.

The head of the public-relations department in the Jewish Agency, Avraham Shankar asked the chairman whether the ad-hoc settlement committee of ministers was intended to get around the joint settlement committee. Minister Sharon explained the circumstances leading up to the creation of this ad-hoc committee and the background of its decision to admit detachments of Gush-Emunim settlers into military bases. When leaving the meeting, Sharon added that the committee was set-up in order to decide on certain sensitive issues that cannot be dealt with in the joint committee.

The committee further decided to change the status of Yamit from an urban center to a city, and ordered the Ministry of Housing to draw up an urban contour-plan. It was further decided to draw-up settlement plans for the Arava, for Pithat Rafiah and for the Galilee, in order to accommodate 10 detachments of settlers organized overseas.

The settlement committee of the Zionist Federation announced yesterday that so long as Gush Emunim settlers remain in military camps they will be under the care of the Ministry of Security and no civilian organization will be permitted to involve itself with them. The Settlement Committee is presently working on a plan to provide "moral aid" to the permanent settlements of Gush Emunim in the West Bank (Ofra and Alon Moreh).

It appears, that detachment "Dotan" of Gush Emunim will be the next one to be admitted into a military camp for settlement. Dotan will soon transfer to the Sanur police station. It is hoped that detachment Beit-El will follow suit and settle at the base in Beit-El.

GUSH-EMUNIM: WE HAVE MANAGED TO OPERATE IN COORDINATION WITH THE GOVERNMENT

Gush-Emunim spokesman recalled, yesterday, the words of Minister Zevulun Hammer quoted in "Davar" that he prefers the establishment of large, semi-urban settlements based on industry than small settlements, spread out over a large territory, each comprising a small number of families. He added, however, that these small settlements will serve as the beginning of large scale settlements. The spokesman further said that the government must be allowed to take all decisions concerning settlements and that Gush-Emunim has been making the effort and has been quite successful in coordinating its actions with the government.

OCTOBER 9, 1977.

EXTENSIVE CONSTRUCTION WORK IS BEING CARRIED-OUT IN THE "TEMPORARY" GUSH-EMUNIM CAMP IN "SHOMRON" MILITARY BASE

(By Amir Shapira, Al-Hamishmar correspondent)

Construction work valued at tens of thousands of liras has been carried-out ever since the eve of Simhat-Torah in a military base in the Shomron where settlers of Gush-Emunim were to be temporarily sheltered.

Military contractors and construction work-teams have been preparing the land around the military base so that the settlement will be able to sustain an independent living.

I visited the base on the weekend and witnessed heavy machinery leveling the many dunams allotted to Gush-Emunim. Work on the temporary houses which will serve to shelter the settlers until a more permanent residence area be built, was begun today. The main gate to the base was also changed and a new entrance constructed, one that will open directly into the settlers' camp.

FROM THE BUDGET OF THE MINISTRY OF SECURITY

Contracted work-teams are preparing the buildings which will house the services of the settlers. All preparatory work, including the equipment, is carried-out with the budget of the Ministry of Security. The estimated cost, not including

the building equipment which is the property of the I.D.F. is tens of thousands of liras.

The prefabricated houses which will serve as school classrooms, are to arrive today and will be placed in the center of the camp.

NOT FROM THE SETTLERS' EQUIPMENT

It should be noted that none of the equipment to be seen is part of the equipment prepared by Gush-Emunim on the eve of the settlement. The equipment was given Gush-Emunim by the I.D.F. The workers with whom I spoke could not tell me of some basic plan according to which they were working and no one could say exactly how many houses they intend to build or what kind of services will be given to the settlers.

MORE THAN ONE DETACHMENT?

According to one guess, the camp under construction is intended to support more than one settling detachment, in particular those who have not been allotted a definite settling zone. What this amounts to, is that the camp will serve as some sort of permanent training camp for the detachments of Gush-Emunim at least until their status will be changed from that of civilian workers for the military. . . .

October 10, 1977.

A NEW SETTLEMENT IN THE AREA OF LATRUN

Kfar Ruth, a new settlement belonging to the Moshav Movement came into existence on the weekend in the area of Latrun, near Beit-Horon, beyond the green boundary.

The families will spend a while in temporary housing shelters before a permanent settlement is established. The settlers themselves, whether already inhabiting the area or not, are young couples from moshavs in the Judean mountains.

Two more settlements are planned in that area. The first, Moshav Shilat will be built across from the military post Shilta, which gained fame during the battles over Latrun (in 1948). Detachment Shilat is due to arrive sometime this week. The settlement will belong to the Movement of Zionist Workers (Tnuat Haoved Hatzioni) of the Independent Liberal Party.

The foundations of a second settlement are also being laid, while the settlers themselves, who belong to Agudat Israel, are being sheltered in Moshav Mevo Modi'yn, established several years ago in the area of Latrun.

All three settlements were authorized by the previous government.

It should be noted, that all four settlements, including Nevo Modi'yn are located on the eastern boundaries of the Ayalon Valley, which was considered no man's land until the Six Day War. The new road, presently under construction from the coastal plain to Jerusalem, will pass very near these settlements.

October 11, 1977.

THE BEDOUINS IN THE NEGEV: WE SHALL NOT BE MOVED

The Bedouins in the Negev, especially in the east and north are prepared to live in agricultural villages. They refuse, however, to settle the 6 villages offered to them, because the areas will soon become concentrations of cheap labor and within a generation will be transformed into centers of hostilities directed towards Israel—These statements were made by members of the Committee of Bedouin Rights in the Negev, at a press-conference in Tel-Aviv.

The Secretary of the committee, Nuri El-Ukbi, claimed that after the establishment of the State of Israel, the Bedouins were evacuated from their lands for security reasons. In their newly-acquired territory, they built huts to sustain their living and now these huts are being demolished. "We will not tolerate the policy of the Minister of Agriculture, Ariel Sharon, who ordered, even yesterday, the demolition of 7 houses."

The Bedouins will not budge an inch from their lands, they will stand up to their rights and will refuse to settle in these work-camps, the spokesman added. He demanded that the government draw up plans for agricultural settlements for the Bedouins.

OCTOBER 11, 1977.

Moshav Keshet is presently under construction in Tef-Ataly'ia, near Hushania in the Golan Heights. The mashov members, all from Gush-Emunim, settled first in Kuneitra from where they were transferred to Mashtela and then to Hushania military base. They were to be moved on to the inner part of the country, a plan they stubbornly refused. Their future settlement is presently being constructed and by completion of the first stage of construction will consist of 50 apartments.

OCTOBER 11, 1977.

TZIPORI: WE EXPLAINED TO GUSH-EMUNIM THAT WE SHALL REACT STRONGLY TO ANY "MIS-CONDUCT"

(By Tufik Huri)

Placing the settlers in military bases in Judea and Samaria is intended in order to keep a "low profile" as regards colonization. The decision is a consequence of various political constraints—said yesterday deputy Minister of Security, Mordechai Tzipori, in a conversation with reporters in Tel-Aviv.

The Deputy-Minister, also said that it is quite possible that sometime in the future, the army will evacuate the bases and the place will be granted civilian status.

THE CELEBRATION WAS CALLED OFF

The Deputy to the Minister of Security revealed that "From the moment it became clear that the subject of settlements in Judea and Samaria will be under the authority of the Prime Minister we explained to Gush-Emunim two fundamental points:

If their aims are serious, then they share a common denominator with the government.

We would like Israel to be country of law and justice that operates in accordance with the laws enacted by the Knesset. Under no condition are we prepared to allow for "misconduct," and we shall react strongly to any act questioning the authority of the government.

The deputy-minister said that ever since these two points were explained there was no misconduct, excepting the settlement of Ofra.

Tzipori further said that the men from detachment "Shomron" who were admitted into the Shomron military base intended to hold a large celebration at the end of Simhat-Tora.

"We forbade Gush-Emunim to hold the celebration and explained that only the settlers and their families would be allowed to commemorate the occasion."

WORKERS FOR THE I.D.F.

Tzipori elaborated the condition, under which Gush-Emunim would be permitted to enter the military bases in Judea and Samaria. The legal advisors to the government and to the Ministry of Security have drawn-up a document that is to be signed by every head of family wishing to settle one of the six military bases offered to Gush-Emunim. The document defines the legal status of the settlers as civilians in the service of the I.D.F.

The Ministry of Security will assume no responsibility as to the security and welfare of the settlers. Any harm that will come by them will be negotiated by the settlers themselves with the various insurance companies.

The settlers will be obliged to carry out all military commands and requests of the officer-in-charge of the camp where they live.

Admission into the military bases will be conditioned on the settlers' signing the document.

The settlers will help the I.D.F. to solve its problems of man-power shortage. The I.D.F. will sign six-month contracts with every settler. Everyone signing the contracts will be granted the status of a civilian working for the military. He will receive a full salary. The financial resources with which winter shelters will be built, will come from the various settling bodies. In the near future, settlers will occupy six additional camps.

Camp Yossef, near Eln-Fara ;

Camp Sanur, on the Sebastia-Jenin road (already next week) ;

Nebi-Salah, near Ramallah ;

Camp Giv'on, north of Jerusalem :

Camp Beit-El; and
Camp Horon, on the Latrun-Ramallah road.

The government will be assumed to authorize another settlement.

The other detachments of Gush-Emunim for whom accommodation in military camps has not been found, will have to wait for the solution of their problems, maybe through the authorization of their original settlement destinations.

Tzipori also revealed that the ministerial committee concerning settlements, requested a budgetary increment of 100 million IP for the acceleration and facilitation of settlement plans designed for this year.

OCTOBER 12, 1977.

BUILDINGS TO HOUSE INDUSTRY, TO BE CONSTRUCTED IN NEW SETTLEMENTS IN
JUDEA, SAMARIA, YAMIT AND ON THE GOLAN

(By Davar economic correspondent in Jerusalem)

The interministerial committee for the development of new settlements decided yesterday to authorize the construction of buildings in an area of 10,000 sqm. to house industries in new settlements in Judea, Samaria, Yamit district and on the Golan Heights. Planning and foundation work will begin already during this fiscal year.

The chairman of the committee, Deputy Minister of Industry, Yitzhak Peretz said, that the new settlements will receive all the financial aid the government grants to development towns. During the first years of these settlements' existence, the financial aid will be of high priority, considering their particular valuable locations and conditions in their area.

Following talks held with secretaries of the settlements in the Shomron, it was decided, that the authorized bodies look into the plans of industrialists requesting permission to establish industries in Kadum, Mesha (Pe'erim) and Ofra, even before the settlements themselves receive a permanent status. Simultaneously, plans will be drawn-up for the exact construction of these buildings.

CLASSROOMS IN KADUM⁷ WILL BE RENOVATED

The committee decided that the Ministry of Industry and the department of Village Construction in the Ministry of Housing and Construction will aid the settlers of Alon-Moreh in the reconstruction of the unfinished buildings which temporarily house their industry.

The secretariat of the detachment was requested to prepare and present a detailed plan.

A decision was also reached with the Ministry of Education to provide the necessary resources in order to improve and renovate the classrooms of the school in Kadum. Shlomo Avner, head of the department of Village Construction announced that by the end of November construction of 7 classrooms will have been completed.

The Ministry of Industry and the Department of Village Construction will also build a manufacturing center in Ofra. During the present time, however, only planning and ground-work will be undertaken, and a 1200 sqm. building for industry will be constructed.

The inter-ministerial committee decided that within a month, registration will be opened to persons wishing to settle in the urban center of Maaleh-Ephraim. A committee to supervise the development of the area was appointed, chairmanship was given to Eliahu Ati'eh, their advisor of industrialization.

OCTOBER 12, 1977.

DOTAN DETACHMENT ADMITTED INTO SANUR POLICE-STATION NEAR JENIN

(By Amir Shapira, Al-Hamishmar correspondent)

A pioneer detachment of settlers, was admitted yesterday into the Sanur police-station, south of Jenin, and began preparations and construction work in order to facilitate the admission of their families at the beginning of next

⁷ Now called Alon-Moreh.

week. This is the second detachment of Gush-Emunim to enter into a military base, according to the agreement with the government.

Gush-Emunim spokesman denied yesterday rumors about agitation among rank and file members of the Gush, following the announcement of Mordechai Tzipori, Deputy Minister of Security. Tzipori announced that settlers wishing to inhabit military bases will have to sign a document placing themselves under military authority. This document was prepared last week by the legal advisors to the government and to the Ministry of Security. The secretariat of Gush-Emunim knew of the document being prepared. The document stipulates two main points: the admission of settlers into military bases will be conditioned upon their placing themselves under military regulations including military law.

(b) The I.D.F. is freed from any responsibility as to the welfare of the settlers. Yesterday, when the document became public, there were those who turned to the secretariat demanding an open discussion on the subject.

The Gush-Emunim secretariat, meeting today, will probably discuss the issue and the Gush spokesman, who feels that this document "is not bad" told me that in his judgment it will be possible to convince the settlers to accept the document at least de-facto.

The deputy Minister of Security, who announced the existence of the document to journalists, emphasized that anyone refusing to sign it will be removed from the base. It appears, that the secretariat of Gush Emunim will pass a resolution binding the whole movement to the document and will not permit individuals to sign or refuse to sign it.

OCTOBER 16, 1977.

UNDER COVER OF DARKNESS, THE JERICHO DETACHMENT MOVED TO A LOCATION 5 KM. NORTH OF MAALEH-EDUMIM

(By Yosef Waxman)

Another detachment of Gush-Emunim, about which nothing was known before, settled in Nahal-Tekoa in the Jordan Valley. The coordinator of settlements appointed by Minister Arik Sharon, told Maariv correspondent that one Gush-Emunim detachment did, in fact join the settlement of Tekoa, which is inhabited by the Nahal. The coordinator, Deputy Colonel (reserves) Uri Bar-On, noted that the settlement of Tekoa was established in the days of the former government.

Maariv correspondent learned that this detachment consists of 20 young men and women, immigrants from the Soviet-Union.⁸ This detachment is not included among the 11 settling squads for which Gush-Emunim asked government authorization, and among the 6 detachments who are to settle in military bases.

THE SETTLERS IN SANUR

Shimon Ravid, the general-director of the settlement department in the Jewish Agency and the Zionist Federation, told Maariv correspondent that his department is handling this group of settlers in the same manner that it handles Nahal servicemen. He added that the future status of the settlement is still uncertain. The department is presently studying the area in order to determine its future.

Another detachment of Gush-Emunim—"Dotan" is moving into the Sanur police station today.

A pioneer group of settlers, moved in last week and is to be joined by the rest of the detachment today.

The settlers will not live in the actual police building. Mr. Uri Bar-On says that until a permanent solution is found, the settlers will live in tents and in caravans.

Mr. Bar-On further stated that 5 caravans will arrive today in Ofra. These caravans will house the settlers of Ein-Shiloh. More will arrive at the end of the week.

THEY WILL WORK ON THE BEACH IN KALIA

Last Thursday, the settlers of detachment Jericho moved to an area called Tabak-Reish, which is to be the permanent location of Maale-Edumim. Tabak-Reish is located about 5 Km. north of the Edumim plateau, directly above Jericho and the Jordan Valley.

The decision to move the detachment to Tabak-Reish was taken suddenly last Thursday night and was immediately carried-out. Negotiations were held for

⁸ Who are, because of this, helped specially, by the U.S. funds allocated to housing immigrants from the U.S.S.R. I. Shahak.

about two weeks previously and it is unknown why Gush-Emunim decided to implement its plans under cover of darkness. Last Friday tents and caravans were set up and were soon occupied by 20 families and another 20 single men and women.

Mr. Uri Bar-On says that the members of Detachment Jericho will develop Kalia beach in the Dead Sea.

The members of the detachment said that they consider their present location as temporary. They are interested in settling in the town of Jericho proper.

OCTOBER 18, 1977.

FOLLOWING AN ORDER BY TZIPORI: DETACHMENT SHOMRON—INTO MILITARY BARRACKS

(By Haaretz correspondent in Jerusalem)

Due to the heavy rains, Deputy Minister of Security, Mordechai Tzipori ordered the members of detachment Shomron, who are presently living in tents in Kadum, to enter military barracks.

It was announced that the members of the detachments asked the Ministry of Security to permit them to move into Sebastia, their future permanent location.

OCTOBER 20, 1977.

GUSH-EMUNIM SECRETARIAT IS DEBATING THE FUTURE OF THE SETTLEMENTS

(By Davar correspondent in Jerusalem)

A debate was held yesterday in the secretariat of Gush-Emunim whether the movement should continue to settle more areas or concern itself with consolidating the existing ones. No decision was taken.

80 families and about 40 single persons, members of Gush Emunim settlement detachments are presently living in three military bases in the West-Bank. The settlers of "Karnel Shomron" moved into buildings inside the military base, Kadum, following the heavy rains that hit the area.

Sanur, near Jenin, is inhabited by detachment Dotan, detachment Shomron is in Camp Shomron. In Ofra, near Ramallah, detachment "Shiloh" is awaiting permission to settle independently.

A unit of soldiers is engaged in rebuilding the police station in Nebi-Salah, preparing it for the settlers who are soon to arrive. Detachment "Belt-El" was dispersed until their date of settlement is agreed upon.

OCTOBER 20, 1977.

ALL 12 DETACHMENTS MENTIONED IN THE "TEMPORARY PLAN" WILL SETTLE IN THE NEXT FEW MONTHS—SAY SOURCES IN GUSH-EMUNIM

(By Yehuda Litani, Haaretz correspondent)

Sources in Gush-Emunim revealed that within the next few months all 12 detachments mentioned in the "temporary plan" will settle in Judea and Samaria. The settlers will be housed in military bases (which, Gush Emunim hopes the I.D.F. will evacuate after a while) or in Nahal settlements, that will be handed over to Gush-Emunim over a period of time.

Up till now, only one settlement has been established. In accordance with the plan—Yatir—in the southern section of Mt. Hebron. Detachment Jericho moved last week to a location near Maaleh-Edumim (which will be their permanent settlement). Detachment Karnel-Shomron is in Camp Kadum, Dotan in Sanur police station, Shomron in Camp Shomron and several more detachments will enter military bases in the next few weeks. It was announced that there are 80 families and 40 singles in military bases and in recognized settlements.

SHARON PAID A VISIT

The members of detachment Karna'el Shomron moved, yesterday, into military barracks in Kadum after a consistent refusal to do so in spite of the rains. They previously demanded to be allowed to move into their permanent location—in Sebastia. Minister of Agriculture, Ariel Sharon, paid a visit to Kadum on Tuesday to see the condition under which the settlers are being maintained.

DEBATE

A debate took place yesterday in the secretariat of Gush Emunim. The issue debated was the plans of the movement for the next few months. There are several members who side with placing all available resources at the disposal of the existing 12 settlements while there are others who feel that the aim of the movement should be the immediate settlement of all available territory. No decision was reached.

OCTOBER 21, 1977.

THIRTEEN INDUSTRIES ARE IN OPERATION IN THE PLATEAU OF EDUMIM

(By Israel Tomer)

Two years ago the plateau of Edumim began developing. Today, there are already 13 industries in operation. Several more are to be established shortly. This information was given by Shlomo Blakind, the director-general of the Jerusalem Economic Company, a firm actively involved in developing the area and maintaining the new industries.

Among the newly-founded industries are metal works, a factory for electronic computer systems, electricity works and a factory producing hydraulic lifts.

A dairy for cheeses and milk products will be opened in a short while.

"The transfer of industries"—said the director-general—"Can be carried out quite rapidly due to the fact that the Economic Company is preparing a large reserve of buildings that can house the industries."

The factories established in the area enjoy, among other things, the status of "a Development area Type A", which grants them services provided by the municipality of Jerusalem. The Edumim plateau is located about 10 Km. beyond the municipal boundaries of Jerusalem and about 15 Km. from the center of town.

CONSTRUCTION OF SCHOOL IN HAMBRA, JORDAN VALLEY, IS COMPLETE

(By Yoel Dar, Davar correspondent)

The construction of a primary school has reached completion in Moshav Hamra in the Jordan Valley. This is the first Hebrew school in the valley. There are seven classrooms in the building. The head of the Ministry of Education and Culture in the northern district, Yosef Levi, said that a junior-high school should be built in the valley.

AN ESSAY IN MISINFORMATION

- how the State Department and the U.S. Embassy in Tel Aviv have misled President Carter about Israel's violation of Palestinian human rights.

Issued by
the International Committee for Palestinian Human Rights
16 rue Augereau 75007 Paris

SEPTEMBER 1977

At the beginning of this year the State Department, in preparation for President Carter's initiative in giving human rights prominence in American foreign policy, produced a survey examining how human rights were being observed in a number of countries.

The section dealing with Israel is a dishonest document, full of untruths and half-truths and patently designed to assure the President that, in difficult circumstances, Israel was making a commendable, even if not wholly successful, effort to provide for and observe the human rights of Palestinian Arabs living under Israeli rule, both in Israel proper and in the occupied territories. Presumably the responsibility for this essay in misinforming their President rests with officials in the American Embassy in Tel Aviv and in the State Department in Washington.

The survey starts by pointing out the need to distinguish between the Arab minority in Israel and the Arab inhabitants of the occupied territories. It then provides a note on the "Political Situation" by way of introduction to the survey of human rights issues. It deals with "Israel Proper" under the headings "Legal Situation" and "Observance of Internationally recognised Human Rights", the latter being subdivided into "Integrity of the Person" and "Other Important Freedoms". The same pattern is then repeated with "Israel's Occupied Territories". The survey concludes with a section entitled "Other Human Rights Reporting".

The following commentary quotes passages from the survey with parallel notes on each passage. It ends with some general remarks.

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POLITICAL SITUATIONQuotation

"Despite the protection of the rights of the Arab minority under Israel's laws, and governmental and private efforts made during the 29 years of the state to encourage Israel's Arabs to think of themselves as part of the society, the Arab minority has felt more or less alien to Israel and has not considered itself to have full equality."

Comment

The implication is clear: Israel has done its best to accommodate the Arab minority but they have not responded and subjectively persist in regarding themselves as alien and unequal. As a corrective to this sweeping exoneration of Israel in its treatment of its Arab minority, here is what Mrs. Shulamit Aloni, a highly respected Member of the Knesset and leader of the Civil Rights Movement in Israel, had to say in Yediot Aharonot of 10 October 1975:

"In the twenty eight years since the creation of the State of Israel we have not yet learned that one should behave towards Arabs as citizens with equal rights and duties and treat their problems like those of all other citizens, directly and without discrimination."

Other Israeli Jews have criticised in similarly outspoken terms the discrimination practised in Israel against the Arab minority. In January 1977 Doron Rosenblum of Haaretz interviewed Shmuel Toledano, who was about to retire after serving for 10 years as Adviser on Arab Affairs to successive Israeli Prime Ministers. After exploring some of the areas in which there was discrimination against Arabs in Israel, Rosenblum posed a blunt question: "Can we say, unambiguously, that Israeli Arabs are second-class citizens?" Toledano replied:

"Very unfortunately, we can. The only wise course now is to create an atmosphere of familiarity. If the present situation continues and nothing is done, some unpleasant things await us. Very soon there will be hundreds of educated Arabs without work. An

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- 3 -

unemployed group like that is dynamite and this isn't understood among us."

Such Israeli Jewish testimony is ignored or brushed aside in the State Department's survey.

Far from encouraging Israel's Arabs to think of themselves as part of Israeli society, the trend of public policy in Israel seems to be towards keeping Jews and Arabs apart, rather than inducing them to mix. For example, on 13 January 1977 Yediot Aharonot reported that an Arab ejected from his house in the expanded Jewish quarter of the Old City applied for a flat in that quarter, but was turned down. The report continued:

"Yesterday all the family's belongings were removed from the house and transferred to the storage rooms of the 'Society for the Rehabilitation and Development of the Jewish Quarter'. The family refused to help with the removal, but did not offer violent resistance."

The Arab house was demolished.

"Although SC Resolution 242 of November, 1967 calls for Israeli withdrawal from occupied territories only in the context of an overall peace settlement that would also recognize Israel's right to exist, the continuing occupation of these Arab-populated areas has exacerbated criticism of Israel in the United Nations and other inter-

This suggests that the grounds for criticism are simply that Israel has remained in occupation of Arab land pending a peace settlement. That is a misleading over-simplification. The main grounds for criticism are not so much that Israel has maintained its occupation pending a peace settlement but that it has abused its position as the occupying power in order to change the status of East Jerusalem and to settle Israeli citizens in the occupied territories with a view to incorporating them permanently in the State of Israel. In pursuing this usurpation of Arab lands, Israel has illegally dispossessed Arab landowners and subjected

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- 4 -

national forums."

the Arab population generally to harsh and oppressive treatment.

According to Ha'aretz of 2 March 1977,

"Between 1976 and 1977 the Israeli Land Authority purchased over 3,500 dunam of land for 8 million Israeli pounds. It also acquired the rights over another 32,000 dunam and is now negotiating the purchase of and rights over 80,000 dunam. The land is largely intended for settlement by Israelis and is situated in the Jordan valley."

In other words, it was Arab land, and much of it has been expropriated.

ISRAEL PROPER

LEGAL SITUATION

"Israeli law and practice provide for all the rights and liberties traditional in Western democracies. Its internal practices accord generally with standards observed in Western democracies."

As a general statement this is simply untrue. To be sure, the bulk of the legislation in Israel does not distinguish overtly and in so many words between Israeli Jewish and Israeli Arab citizens. But in its practical application discrimination against the Arab citizen is rife and entrenched. It is most marked in the ownership and use of land. A series of confiscatory land laws has been enacted which are invoked against Arab landowners in order to deprive them of their land for the benefit of Israeli Jews. These laws are rarely, if ever, invoked against Jewish citizens. Other laws deny Arabs any share in Jewish-owned land and even prohibit them from working or living on such land. By its charter the Jewish National Fund, which has been designated as the agent of the Government of Israel for the acquisition and development of land, is required to enforce discrimination against Arabs who are thus

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- 5 -

precluded from owning, leasing, cultivating or living on land acquired by the Fund.

Moreover, in one all-important respect there is specific and overt discrimination in the legislation itself. This is in regard to the basic rights of entry into the country, residence there and acquisition of citizenship. The notorious Law of Return admits into Israel any Jewish immigrant, wherever he may have been born, and automatically confers on him Israeli nationality. The same rights are not extended to non-Jews and particularly not to Palestinian Arabs, even though they were born and had their homes in the territory which became Israel. Even those Palestinian Arabs who remained within Israel were not granted citizenship as of right but had to apply for naturalisation for which they had to satisfy certain stringent requirements. The Law of Nationality has deprived many thousands of Arabs still living in Israel of the right of citizenship and has rendered their children 'stateless'.

These are facts. They are abundantly documented and recorded both in Israel and outside. Presumably they must be known to the staff of the U.S. Embassy in Tel Aviv. How then can the State Department in the document here under discussion make the assertions quoted above about Israeli law and practice providing "for all the rights and liberties traditional in Western democracies" and about the internal practices in Israel according "generally with standards observed in Western democracies"? In what Western democracy are citizens prevented from residing where they will because of their religion and ethnic origin? Where are they precluded on those

- 6 -

grounds from owning or working on land which is open to their fellow citizens? Where in any Western democracy is land systematically confiscated from one ethnic group in order that it should be made available to another?

OBSERVANCE OF INTERNATIONALLY
RECOGNISED HUMAN RIGHTS

A. Integrity of the Person

"Human rights relating to life, liberty, and the security of person are observed in Israel proper, without distinction between Jews and Israeli-citizen Arabs. Propagandistic charges of mistreatment of Israeli Arabs in this sphere are without foundation."

This again is untrue. Although the military government which was imposed on the Arab minority in Israel's earlier years was abolished in 1966, the Defence (Emergency) Regulations have continued in force (the powers being transferred from the military to the police) and have been invoked against Israeli Arabs but scarcely ever against Israeli Jews. Under those Regulations many Israeli Arabs have been detained or placed under house arrest or had their movements restricted.

"The treatment of Israeli citizens by the authorities is humane, and prison conditions in Israel are satisfactory. Some Arab citizens of Israel resorted to violent demonstrations in early 1976 for the first time in the country's history, and force was applied to quell the disturbances."

The implication is that the Israeli authorities were blameless and that Arabs resorted to violence without cause or provocation.

In fact the disturbances of 1976 were not the first in Israel's history. As long ago as 30 September 1971 a riot broke out in the Ashkelon prison. It was extensively reported in the Hebrew Press. Haolam Hazeh of 27 October 1971 reported at length on the conditions in the prison and on the ill-treatment of the prisoners there. It summed up its findings in these words -

"Ashkelon is hell. A place where prisoners - mainly Arabs - are sent to break their spirits. Not for interrogation, God forbid, but only after trial. Ashkelon is a special-punishment jail.

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- 7 -

Prisoners transferred healthy and upright from Ramleh, go back to Ramleh after a few weeks broken, destroyed - and silent."

As for the demonstrations against prison conditions which occurred in 1976 (and again in the early part of 1977), the truth is that the Israeli authorities themselves have admitted that prison conditions in Israel are not satisfactory and this has been reported in the international press. For example, Eric Marsden's report in The Times (London) of 10 February 1977 described in some detail the overcrowding and bad conditions in Israeli prisons and quoted the Israeli Commissioner of Prisons, Mr. Haim Levi, as saying that:

"Prisoners in Israel have an average living space of 2.2 square metres, compared with 11.3 square metres in the United States."

There is a large body of prima facie evidence that Israeli Arab prisoners have often been physically assaulted and systematically ill-treated in Israeli prisons. For example, the Palestinian poet, Fouzi el-Asmar, gives a detailed account of the ill-treatment he received in several different Israeli prisons in his autobiographical book "To be an Arab in Israel". Other and more recent cases have been described in material published by the Israel League of Human and Civil Rights and from time to time in the Hebrew press. For example, Yediot Aharonot of 18 April 1975 carried a long and detailed article in which the reporter, an Israeli Jew, described seeing the police beat up an Arab in the yard of the court-house at Beersheba. The Arab was then charged with assault. The report continues with a

- 8 -

verbatim account of the proceedings in court showing that it was a ludicrous travesty of justice.

An example of the use of excessive force by the Israeli authorities was provided on the occasion of the "Day of the Land" on 30 March 1976. This was a one-day strike by Arabs in Galilee to protest against the confiscation of thousands of dunams of their land as part of a plan known as the Judaization of Galilee. In the course of a single day seven Arabs were shot dead and scores were wounded and beaten up. The security forces shot indiscriminately into crowds, bludgeoned anyone in sight and dragged people out of their homes to arrest them. Writing in Haolam Hazeh of 7 April 1976 Elie Tabor commented:

"When an independent militarily strong state speaks the language of force to a national minority that lives in it, as happened in Galilee last week, it is not a display of strength but obviously derives from weakness and shows that the Israeli government is afraid of the Arabs of Israel whom it does not treat as citizens with equal rights. It employs repressive measures against them as if they were a people under occupation, exactly as it did some weeks ago in repressing the protest demonstrations in the West Bank."

He went on to describe the years since the establishment of the State of Israel as

"28 years of plundering, theft of abandoned property, confiscation and national persecution, economic and social backwardness, and encouragement of feudalism."

This year (1977) on the anniversary of the "Day of the Land" demonstrations again occurred in Galilee. Al-Hamishmar of 4 April and Ha'aretz of 5 April carried detailed reports of brutal attacks by the police and border guards against the villages of Jatt and Baka al-Gharbyiah. Twenty people were wounded.

B. Other Important Freedoms

"Israel's Arab minority has equal rights with Jews under the law and in recent years has been able to exercise its civil rights fully, with only rare instances of civil rights discrimination. Subtler forms of discrimination on an individual basis, in such spheres as holding political office and employment opportunities, do occur."

The escape clause at the end of this passage tends to nullify the preceding generalisation. How rare are the "instances of civil rights discrimination"? How prevalent are the "subtler forms of discrimination on an individual basis"? Ha'aretz of 26 March 1975 carried an open letter by Professor Uzi Osman describing the system of privileges and discrimination which is now built into Israeli society. He summed up:

"Today, equality between citizens is only to be found in the Israeli Declaration of Independence - a nice document, which expresses the ideals of an earlier period, but is devoid of any judicial or legal value in Israel; in the actual life of the country, all sorts of privileges were ensured and consolidated by laws and regulations still in force".

A striking example of discrimination against the Arabs of Israel is provided by the new town of Carmiel (a suburb of Haifa) which is exclusively reserved for Jews. A long article in Ha'aretz of 18 February 1972 described the markedly racist attitudes of the Jewish residents there. Again Upper Nazareth is reserved for Israeli Jews and many flats stand empty

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there, while in Lower (Arab) Nazareth there is much overcrowding.

"There is general freedom of expression, opinion, and assembly. The Government reserves the right to control public assemblies and parades. Both the Hebrew and Arabic press are free and express a wide variety of opinions. All newspapers in Israel are subject to censorship on military matters. Political freedom is guaranteed for all shades of political views."

The Emergency Regulations empower the authorities in Israel to impose censorship on newspapers and to prohibit them from publishing specified matters which may impair "the security of the state and the public interest" (Art. 87); and also to suspend newspapers or to close them down (Art. 94-98). "Security" is interpreted in an extremely broad way and is not limited to military security. The authorities have absolute discretion to refuse licences for the publication of newspapers and have used these powers. They are not required to disclose their reasons.

Two occasions on which these powers were used were: (1) in 1960 to prevent the publication in Arabic of a paper called al-Ard by an Arab nationalist group which advocated recognition of the rights of the Palestinian Arab people and of the Arabs in Israel; and (2) in 1969 to prevent the publication in Arabic of a paper called al-Nur by Matzpen (the Israeli Socialist Organisation). In the former case the matter was taken to the Supreme Court which decided that it could not interfere with the discretionary power conferred by the Emergency Regulations.

On 12th April 1977 the Mayors of the West Bank towns sent a letter of protest to the United Nations, complaining of Israeli censorship of Arabic papers in East Jerusalem. According to a report on that date in Davar they sent it to the Human Rights Commission complaining that journalists were prevented by the military government from doing their job in the occupied territories when it came to reporting land

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- 11 -

expropriations, colonization projects and demonstrations.

When the censor insists on the excision of some report, the Arab editor is not allowed to leave the space blank, but must fill it, however short the notice, with other news. These conditions apply only to the Arabic press.

Freedom of association is in theory almost absolute. But in practice there is constant discrimination between Arabs and Jews in this respect. It is exercised by invoking the Emergency powers relating to freedom of the person against Arab individuals who seek to establish any political organisation specifically for Arabs. These powers have been used even to prevent the establishment of Arab sports and cultural clubs. When Israeli Arabs attempted in 1964 to establish a political party with candidates for election to the Knesset, the leaders of the movement were expelled from their homes and required to live in wholly Jewish towns until the elections were over.

Sabri Jiryis, speaking with first-hand knowledge of how "political freedom is guaranteed for all shades of political opinion" in Israel, sums up the matter in these words -

"Within the framework of Zionist thought, the Israeli citizen can enjoy democratic freedoms. But it is a different matter when there is an attempt to oppose the Zionist entity or to change it, even by democratic methods, or when there is a demand for national political rights. This is especially the case when such activity assumes an Arab or, as the Israeli authorities prefer to

- 12 -

call it, a "security" character. Then all these freedoms go by the board."

(Sabri Jiryis, Democratic Freedoms in Israel, p.9, published by The Institute for Palestine Studies).

ISRAEL'S OCCUPIED TERRITORIES

LEGAL SITUATION

"The civil liberties situation in the occupied territories is different from that in Israel proper because of the inevitable tension between the occupying authorities and the indigenous population and the constant security threat posed by occasional demonstrations and clandestine dissident groups."

"The occupied territories are under military government, and their administration is considered by the United Nations and by the United States to be governed by the stipulations of the Fourth Geneva Convention regarding occupied territories, an interpretation Israel has contested."

The intention of this comment seems to be to establish a presumption in the reader's mind that the special circumstances of the occupied territories justify specially harsh and repressive measures, and that the fault lies not with those who occupy land which does not belong to them but with those who resist that occupation.

Having explained that the administration of the occupied territories is considered by the United Nations ("and by the United States") to be governed by the Fourth Geneva Convention, the survey observes that this is "an interpretation Israel has contested" - but does not mention that there are no grounds for Israel's interpretation, nor that the United States joined with other members of the Security Council in the consensus statement of 11 November 1976 which deplored the establishment of Israeli settlements in the occupied territories and declared that such measures, including the annexation of East Jerusalem, had no legal validity.

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"Nevertheless, as required by the Convention, Jordanian law (with some Israeli modifications, such as election laws and a value-added tax) is applied on the West Bank - but not in East Jerusalem."

"As for administrative detention, under British-Mandate emergency laws that Jordan was still enforcing on the West Bank when Israel occupied it in 1957, the authorities can have persons detained on security grounds up to six months without filing charges against them or bringing them to trial and, since such detention is renewable, can hold such individuals more or less indefinitely."

OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. Integrity of the Person

"In the occupied areas, the occupation authorities have

This comment is disingenuous. Israel has applied its own Emergency Regulations to the occupied territories and these override the Jordanian law in matters affecting human rights. Then too, the throw-away reference to East Jerusalem tends to play down the crucial importance of that area and the total illegality of Israel's annexation. It also obscures the fact that the area purportedly annexed by Israel comprises not only the Old City (within the walls) but also a large extent of adjacent territory stretching from Kalandia in the north to the outskirts of Bethlehem in the south.

The survey goes out of its way to point out that, before Israel occupied the West Bank, Jordan was enforcing the same power of administrative detention that Israel now exercises (both Jordan and Israel having inherited the power from the Mandate Government). But it does not explain that it is one thing for a sovereign government to exercise such a power over its own citizens and another for an occupying government to do so (in contravention of the Fourth Geneva Convention) over the civilian population living under its occupation.

The survey does not mention the scale on which the Israelis have resorted to this vicious punitive action

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razed houses suspected or known to have harboured terrorists."

"In quelling demonstrations and restoring order in the territories, the Israeli authorities in several instances have used excessive force. These actions have not reflected government policy, and individuals found guilty of such excesses have been disciplined and occasionally jailed. The use of extreme pressures during interrogations of security suspects has been described in certain reports and may have taken place, although reports of the use of actual torture during interrogations have not been substantiated."

nor the wanton way in which it has been imposed. Over 16,000 houses have been destroyed, many of them without any real evidence of their having been used to harbour terrorists. In addition a number of entire villages have been destroyed. In the case of Nebi Samwil the Israeli authorities did not even invoke the pretext of terrorist activity.

Many of the actions of the Israeli forces in the occupied territories have tended more to provoke disorder than to "restore order", and no one can say with certainty that the excesses they have committed "have not reflected government policy". There is no lack of precedents in Israel's history for the deliberate and planned provocation of violent Arab reactions in order to provide a pretext for the use of force.

Here are two examples of the provocative use of excessive violence by Israel's security forces:

(1) On 5 October 1976 al-Hamishmar reported: "On Saturday morning while Moslems were praying at the Tomb (sc. of Abraham at Hebron) fifteen inhabitants of Kiryat Arba (sc. the Israeli settlement near Hebron) arrived on the scene, incensed by those praying, started a fight, damaged property and destroyed several volumes of the Koran."

The next day Ha'aretz reported:

"After the desecration of the mosque soldiers attacked those youths who were still inside Abraham's tomb and beat them up using rifle butts, truncheons and bare fists."

(2) On 26 June 1977 the Sunday Times published a letter from Miss Elizabeth Monroe C.M.G., giving her own eye-witness account of an

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- 15 -

incident at Ramallah where "brutality was used as a deterrent" against protest demonstrations. On 9 March 1977 students at the UNRWA teachers training college held a sit-in strike in support of hunger-striking prisoners in Ashkelon gaol. Some students set up a road block and threw stones at Israeli soldiers. These students ran off and escaped. The soldiers then entered and teargassed the college. About 70 students ran up a hill to escape the gas; a random 17 of them were rounded up, and "made to serve as an example". UNRWA officials managed to have these 17 students removed to the Augusta Victoria Hospital in East Jerusalem. Miss Monroe continues:

"I visited them there on March 10th, and saw that (1) the backs of all of them were heavily blood-bruised in a chevron pattern that suggested beating from both sides; (2) two had been kicked in the genitals and were passing blood in their water; (3) several had beaten arms, near or on the elbow; (4) two had badly cut heads, entailing shaved hair and many stitches; (5) three had bruised mouths, and two of them missing teeth. UNRWA officials arrived to take depositions just as I was leaving, so they have the medical particulars.

Israelis said that these wounds happened because students fell down the hill; this explanation is incompatible with the injuries that I saw."

A detailed inquiry published in the Sunday Times of 19 June 1977 came to the conclusion that the use of torture was "sanctioned at some level as deliberate policy". It said:

"Torture is organised so methodically that it cannot be dismissed as a handful of 'rogue cops' exceeding orders. It is systematic. It appears to be sanctioned at some level as deliberate policy".

"As regards prison conditions in the territories, a recent International Red Cross inspection found that prisoners under Israeli control are living under satisfactory conditions".

The survey does not mention that, as explained in the Sunday Times inquiry and in many previous reports by such bodies as the Israeli League for Human and Civil Rights, the Israeli authorities do not allow the International Red Cross to inspect interrogation centres, police stations and military camps where prisoners are kept. The Sunday Times added:

"Nor do they have unrestricted access even to prisons. Attached to prisons in the occupied territories are sets of cells which the Red Cross cannot see".

Many of the complaints about prison conditions relate to these other places of detention which are separate from the regular prisons.

Moreover, since the disturbances which occurred in 1976 and again earlier this year in protest against the conditions in Israeli prisons, much evidence has accumulated to show that those conditions are often bad and that the complaints were fully justified. On 13 January 1977 the International Red Cross took the highly unusual step of issuing a public statement drawing attention to the Israeli Government's failure to end overcrowding and to improve conditions in

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respect of medical services, family contacts and cultural facilities.

"Over the years the Israeli authorities have frequently expelled residents of the territories suspected or known to have engaged in terrorism or anti-Israeli political agitation, in contravention of Article 49 of the Geneva Convention."

This does not mention the scale on which Arab inhabitants have thus been expelled from their homes and land. Over 800 have been deported since 1967. Nor does it bring out the utter illegality of this proceeding. Nor does it mention how flimsy the grounds have often been for the Israeli authorities' action in expelling a man from his home and country, breaking up his household and destroying his livelihood. The expulsion of Dr. Hanna Nasr, the distinguished and respected head of Bir Zeit College, is a case in point.

B. Other Important Freedoms

"... freedom of opinion and expression is relatively uninhibited."

The Israeli authorities' own record in expelling leading Palestinian Arabs who have the courage to challenge and speak out against Israel's actions in the occupied territories gives the lie to this bland assertion.

"Israel did not interfere when, in the second West Bank municipal election, in 1976 Arab nationalists hostile to Israel ran for office and in most cases won election, and the Israeli authorities assisted in assuring that the election was conducted properly."

Apparently Israel is to be given credit for not intervening (illegally and in contravention of the Convention) in the elections. There is also the implied sneer that the Arab inhabitants were incapable of conducting their elections properly by themselves and needed the assistance of the Israeli authorities. But much worse is the suppression of the truth, Israel did interfere in these elections by deporting two of the candidates (Dr. Ahmad Hamzi Natsht and Dr. Abdel-Aziz Haj Ahmad) on the eve of the election, because they were "Arab nationalists hostile to Israel". (An Israeli Army spokesman said they had been deported on charges of being "ringleaders of

- 18 -

agitation in their towns"). The suppression of this fact cannot be due to ignorance since the case became a cause celebre in Israel. The two men appealed to the Israeli courts against their deportation; but the security authorities hastily ejected them from the West Bank the night before the case was to be heard.

OTHER HUMAN RIGHTS REPORTING

"Amnesty International's 1974-75 Annual Report included an appeal to the Israeli Government to terminate two aspects of its administration of the West Bank namely, deportation and administrative detention of prisoners. The 1975 Amnesty Report on Torture included allegations of torture in the period 1968 to 1973."

The survey does not give any indication whether the allegations of torture in the Amnesty report of 1975 were supported by evidence nor does it mention an earlier Amnesty International report of April 1970 which listed in detail a number of cases where there was prima facie evidence of the serious maltreatment of Arab prisoners under interrogation in Israel. This report received wide publicity (e.g. in The Times (London) of 3 April 1970). It produced an outraged denial by the Israeli authorities, accompanied however by an uncompromising refusal to allow an independent inquiry into the allegations.

"A recent International Red Cross inspection of prison conditions reports a total prison population for all areas under Israeli control of 3,000 - 4,000 people, living under satisfactory conditions."

As indicated above, this conceals the fact that the Red Cross are not allowed to inspect all places of detention and are not allowed to see prisoners until eighteen days of "preventive detention" for enquiry have elapsed. This is the period in which excessive force is most often used. It also omits to mention that, as revealed by the Insight inquiry in the Sunday Times:

"Over the last nine years, when Red Cross representatives have got to prisoners in jails, they have heard story after story of ill-treatment and torture."

contd...../19

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- 20 -

CONCLUDING REMARKS

The reaction of the Government of Israel, whenever public criticism has appeared charging it with violating the human rights of the Arabs living under Israeli rule, has been to dismiss the charges as either malevolent propaganda or evidence of the gullibility of those making them. This has been accompanied by assertions of Israel's devotion to democracy and freedom. In the document here under scrutiny the State Department echoes and endorses this reaction.

But if Israel's record in these matters is so impeccable, why is it that the Government of Israel has so consistently refused to permit any independent and impartial enquiry? When the first Amnesty International report appeared in 1970, the then Ambassador of Israel in London said that his country was justifiably proud of the independence of its judiciary which was "fully competent to investigate accusations of illegal behaviour against its citizens". He went on:

"How would the British Government react to demands that a commission of enquiry composed of foreign jurors be set up to investigate allegations of torture or brutality in, say, Ulster?"

At that time it was pointed out in correspondence in The Times that the British Government had in fact already faced precisely that challenge in Cyprus and had agreed to an international inquiry under the auspices of the European Human Rights Commission. It was also pointed out that the prima facie evidence produced in the Amnesty International report was certainly no less substantial than that which formed the basis of the complaint against Britain over Cyprus. Since then the situation envisaged by the Israeli Ambassador in regard to Ulster has in fact happened and Britain again agreed to submit its record in Northern Ireland to the scrutiny of the European Court of Human Rights.

Instead of encouraging Israel in rejecting accusations as "propagandistic" and "without foundation", the State Department would be better advised to urge the Government of Israel to follow the example of the British Government and submit to an international inquiry. So long as Israel refuses to do so, the rest of the world may reasonably conclude that there must be something to hide. On the evidence of the document here under scrutiny, it may well also conclude that the State Department is more concerned to cover up than to reveal the truth about human rights in Israel.

COLLECTION OF ISRAELI NEWSPAPER ARTICLES ON THE PERSECUTION OF BLACK HEBREWS IN ISRAEL

FEBRUARY 1, 1977.

REPORT ON THE PERSECUTION OF THE "BLACK HEBREWS" IN ISRAEL

PREFACE

"Black Hebrews" is the name of a minor sect composed of Black people from the USA, who believe in the Bible, and in the religious duty of the believers to settle in the Holy Land. At the beginning of their arrival in Israel, in 1969, they were mistaken for Jews or candidates for conversion to Judaism, and the first group was given the right to work in Israel and were allowed to rent flats. After a few months, when they have refused to celebrate the festival of Chanuka on the ground that it is not mentioned in the Bible, their persecution had begun.

Periodically the Israeli government attempts to expel them from Israel, first whole families were expelled, but after "the scenes" at the airport of the policemen struggling with women and children—who shouted to the tourists "We are Americans" and waved their USA passports—were shown to be harmful to the Israeli "image", the expulsion of the women and children ceased. Nevertheless all the "Black Hebrews" live now in Israel for some eight years "illegally" subjected to periodical persecution both from some of the government offices, and even more so from the Jewish population in the few towns in which they perforce concentrate, as will be shown below. Indeed their situation resembles very closely the situation of those Jews in the Tsarist Russia, who attempted to live "illegally" beyond the borders of the "Pale"—the only area in which Jews were permitted then to live.

However there is a crucial difference: A very great number of the Russian intellectuals of the XIX century among whom the names of such giants as Tolstoy and Gorky are honourably conspicuous; and likewise very many of the writers, artists and well-known people in other countries, interested themselves then in the situation of the persecuted Jew of Tsarist Russia, and protested frequently against their treatment by the Tsarist government.

We, here in Israel, suffer from a surfeit of writers and other intellectuals, who come here on a sort of pilgrimage, and write profitable books about it, like Mr. S. Bellow; but just as I have yet never heard about a single one of those pseudo-pilgrims interesting himself seriously in the plight of the Palestinians, so I have yet never heard about one of them saying a word about the sufferings of the "Black Hebrews". Nevertheless, the suffering is very real; some of it will be described by two extracts from the recent Israeli press.

JANUARY 7, 1977.

EXTRACTS FROM THE "BLACK HEBREWS" AND THE LAWS OF THE STATE

(By Meshulam Ad)

About a month ago, the chairman of the local council of Arad,¹ Mr. Shochet, asked the police to do something in order to deal with the tension between the local inhabitants (i.e., the Jewish population of Arad, Tr.) and the "Black Hebrews." According to Shochet the inhabitants complain of "noise and pain caused to them on stairs because of the horrible density of the Black Hebrews." According to him some 120 "Black Hebrews" are living in a great density in five-six small rented flats.

The chairman of Arad's local council admits that (in Israel) there are no laws against high density of people in flats, but he is very conscious of the great suffering of the inhabitants who have to live in a neighborhood to flats filled by about 20 souls of "Black Hebrews" in one flat.

But the police did not see any reason for an intervention, for those people are never involved in any crimes. The spokesman for the Negev police captain Davido-

¹ A township east of Be'er-Sheva, in the Negev. One of the few inhabited by the "Black Hebrews".

vitz said: "Until now, during so many years, even one housebreaker was not found among them."

Therefore Mr. Shochet appealed to (the Israeli) Ministry of Internal Affairs and demanded that steps will be taken against those "tourists", whose visa period was finished a long time ago. But the Ministry is not very keen to deal with the problem. It must be surely aware of the political aspects, since actual expulsion of people with a black skin from Israel, can allow some to put on it a label of a racist state. But nevertheless, one can not accuse the (Israeli) Ministry for the Internal Affairs of doing nothing, for usually "tourists" of this kind are prevented of entering Israel, specially if they can not show financial means for livelihood in Israel.³

The people of the sect (of Black Hebrews. Tr.) are working illegally with contractors and in various plants. Some craftsmen are found among them, and they sell their creations—leather purses, jewellery etc.—on the streets of the cities and even in the campus of the Hebrew University of Jerusalem. They have founded a jazz orchestra, which became very famous in Israel and whose profits help the sectarians to survive. The sectarians do not pursue luxuries and live austerely, and even with this are joyful and always sing dance and play instruments together; and this, specially when it takes place in the evening greatly disturbs the repose of the inhabitants.

It seems to me that a civilized state can not tolerate such a situation, where 30 persons inhabit one flat and where black children, not admitted to schools (since they are illegal tourists. Tr.) receive an independent education, not in recognized school and not in classes but in the parks and the shelters of the houses. Therefore, though the political sensitivity can be understood this problem must be tackled decisively. If it is wanted that the sectarians should continue to live in Israel, they must be allowed to live in conditions in which they will not be health and social nuisance bothers. And if their living here is not wanted as it is illegal, the law must take its course, and they must be returned to where they came from.

We must not resign ourselves to the fact, that those people will continue to live in Israel, penniless, and will increase even more the insufferable density in the sectarian flats in Dimona, Arad and other places. And though the subject is delicate it must be dealt with, for as much as the time passes without dealing with it, the problem becomes more severe.

JANUARY 5, 1977.

EXTRACTS FROM "THE BLACK IN DIMONA ARE NOT ABSORBED"

(By Mordechai Artzieli)

Four (Israeli) Ministers—for Foreign Affairs, Justice, Internal Affairs and Police—received last week identical letters whose subject is—those Blacks who are in Dimona. The identical letters were signed by the Mayor of Dimona, the Vice-Mayor, the secretary of the local workers council and the local rabbi (the worst racist of them all and the chief incitor against the Blacks, as was usual among the Christian priests in many localities against the Jews. Nothing changes. Israel Shahak.).

The letters say that the last period a great tension is felt between the inhabitants and the Blacks. The inhabitants of the quarter where the Blacks live "have reached a hopeless state, and are leaving the quarter and Dimona itself." The reason is, so the letters say, that the shelters of the houses were conquered by force and without permission by the Blacks who use them for craftsmen work and for their orchestra exercises.

"The social condition in Dimona is nearing an explosion for the Blacks are not content with the single quarter in which they lived so far, but attempt to rent flats in the other quarters, and sometimes even 30 souls live in one flat of 64 square meters—and this can destroy all orderly life in the quarter concerned." The letters finish by saying that the situation cannot continue and "we see in you

³ The meaning is simple: A White USA tourist will not be bothered on coming to Israel, even though he has little money on him. A black one, will he—that is except if he comes on a special trip of "Black notables" shepherded by the U.S. Zionists to see the Israeli democracy in action. I. Shahak.

and in the Israeli government, the responsible ones for this subject, and for every unusual or calamitous thing that will develop in our city because of this' . . .

The members of the sect do not complain. All work and keep themselves alive. Their children, prevented to go to school are receiving education in shelters, or in the summer in the parks. Yesterday on a wet and cold day I have seen some dozen children sitting in a wet shelter and receiving through an improvised blackboard a lesson in the geography of Palestine.

They even do not complain about the horrible density in their flats, in many of them the "warm bed" system is employed. This system is the best when four or five families must live with their children in one small flat. The sectarians attempted to rent further flats in the free market, but the flat owners were cautioned³ not to rent their flats to Blacks. Only very few disregard the threats and rented their flats to the sectarians . . .

I think this is quite enough. All government controlled housing and work facilities are closed before those people. Threats and "cautionings" are employed even to close before them the charity of the few that are charitable. Expulsion is ever on their heads, and from time to time grown-up males—the very mainstay and working force of the community—are expelled. Is there any country in the world now, where Jews are treated in a similar way? I do not say that the situation of Jews is ideal in all countries. I am on record in the past, of protesting, for example against the treatment of Jews in Syria, which has improved meanwhile to some extent.

But it is the height of the modern hypocrisy, that out of so many people, specially intellectuals Jewish and non-Jewish, who have concerned themselves, and sometimes justly concerned themselves, with the various cases of the persecution of the Jews, or of discrimination against the Jews, no one so far, has found the minimal courage to raise his voice in support of the persecuted "Black Hebrews" in the "Jewish State"! Will anybody be found in the future? Israel Shahak.

JERUSALEM, May 5, 1976.

EYEWITNESS TESTIMONY

We, the undersigned Sylvie Garbarz, Eytan Grossfeld and Witold Jedlicki hereby declare that we witnessed the following two incidents, both of which occurred in the city of Jerusalem, on Monday, May 3, 1976, between the hours of 9 and 10 p.m.

(1) We were on Sultan Suleiman Street, walking toward the corner of Nablus Road, when we noticed a strange commotion on and around an army vehicle (a middle-sized personnel carrier not covered by any tarp) stationed on the opposite side of the street, in the close proximity of Damascus Gate. Intrigued by the sight, we crossed the street and approached the vehicle. Sitting or standing on the platform of the vehicle there were about 12 uniformed soldiers of the Border Guard. Milling around the vehicle there was another group of soldiers, of roughly the same number; it included several paratroopers. Lying on the floor of the platform there were detainees in civilian clothes. We were in the position to see them clearly, but we could not determine their exact number. We can state, however, that there were no less than two and no more than four of them. The detainees were being beaten, kicked and stomped by at least two of the soldiers, relentlessly and with savagery.

Undersigned Grossfeld promptly identified the commanding officer and approached him with the aim of intervening on behalf of the victims. He was rudely told to move away from the scene immediately. Undersigned Garbarz pleaded with another soldier to stop the beatings; with the same effect. Another soldier, apparently more amicably disposed, explained to us that the beatings were a "matter of (venting) emotions." One of the two bystanders, siding with the perpetrators of the beatings, attempted to convince us that "perhaps these Arabs planted a bomb". He referred to an explosion which had occurred, approximately one hour earlier, in the center of the Jewish part of the city. (Until then, we did not know about this explosion.) When undersigned Grossfeld retorted: "but perhaps they did not", another bystander said: "So what; they are Arabs anyway". All these exchanges took place in Hebrew. While they were taking place, the beatings went on, uninterruptedly.

³ By the rabbi, the mayor, the school teacher, the police, et cetera. The combined "caution" was nearly 100 percent effective. I. Shahak.

Once again ordered to walk away by one of the soldiers, we had no choice but to obey. We wish to stress that the two mentioned bystanders, whose presence could not remain unnoticed by the soldiers, were not ordered to leave. We alone were, because we attempted to intervene. But while walking away, we could see that beating went on as the car, for no apparent purpose, stayed put, instead of moving towards its destination.

(2) Some 20-25 minutes later we were in the Jaffa Gate area. In front of Jaffa Gate we noticed, from a distance of about 30-50 meters, a mixed crowd of soldiers and civilians. Suddenly, a Border Guard jeep drove up onto the sidewalk, and, moving with considerable speed on the sidewalk, approached the crowd. We clearly saw a human figure flung by the men in the crowd onto the platform of the jeep. Undersigned Grossfeld who was positioned closest to the scene, saw that the detainee was covered with blood. Then, undersigned Grossfeld caught sight of the following event. A civilian lifted a piece of cloth from the ground and tossed it onto the jeep. A Border Guard soldier on the jeep picked the cloth up, pushed it against the detainee's face, and shoved the latter's head rapidly backward. We wish to add that in spite of darkness and our distance from the scene, the visibility was extraordinarily good, owing to the bright illumination of the Old City walls.

(Signed) SYLVIE GARRAZ.
EYTAN GROSSFELD.
WITOLD JEDLICKI.

ISRAELI NEWS ARTICLES ABOUT ARABS IN THE OCCUPIED TERRITORIES WHO WORK IN ISRAEL

MARCH 16, 1976.

A PROTEST AGAINST THE TREATMENT OF THE ARABS FROM THE OCCUPIED TERRITORIES WHO WORK IN ISRAEL

SLAVES AT NIGHT—WORKERS DURING THE DAY

(By Aryeh Egozi)

Laborers from the occupied territories are locked in at night in order to prevent vagrancy.

The tragedy that occurred the day before yesterday, in which three laborers working in a mattress factory in Tel-Aviv were burned alive, laid bare the phenomenon of "Hotels", under jail conditions, in places of work.

Every evening, the doors of the warehouses—which have turned into improvised living quarters—are locked, and thousands of laborers from the occupied territories who work in a variety of factories within the green line are kept within. The doors remain locked until the early morning hours, a short time before the beginning of the work day.

This phenomenon—well known to the police and civilian patrols who make the rounds nightly in the areas in which Arab laborers are concentrated—was brought to the general public's attention as a result of the blaze that broke out the night before last in a small mattress factory in Tel-Aviv. When the fire had been extinguished, the firemen rushed into the structure which was completely destroyed and found three crenulated bodies.

A brief investigation brought to light that the victims were young laborers from the Gaza Strip, who worked in the factory and slept there at night.

The Tel-Aviv police district spokesman, superintendent Avinoam Cahani, reported yesterday that the police investigation revealed that the three were not able to escape from the room in which they were sleeping because the door had been locked from the outside. The spokesman added that the factory's owners would, apparently, be brought to trial.

As has been said, the phenomenon of locking the doors of rooms where workers from the occupied territories are billeted is widespread and there are two main reasons for it. Factory owners must obtain both work permits and sleeping accommodations for their Arab workers, and they seek to prevent the workers—by locking them in—from needless vagrancy in the streets of the cities at night—a thing, according to the directives, that is forbidden. The

employers know that if a worker, wandering in the streets is discovered after midnight, he will be brought to the police station for investigation. On occasion, such a worker is required to remain in the police station until the afternoon hours of the following day and that means a loss of work hours.

In addition, it appears that in most of the cases in which the factory owners lock the doors, work permits and sleeping accommodations have not been obtained. Since obtaining such permits involves applying to the government employment offices, the employer must pay, in addition to the worker's salary, various social security payments set by law, payments that, naturally, increase manufacturing costs. In order to prevent the discovery of such "underground laborers" by the police or by the civilian patrols (who make frequent visits, at night, to the industrial areas), it is the practice of factory, garage and small workshop owners to lock the doors come nightfall.

"I lock the door in the evening and know that in the morning I'll find all of them on the premises—and I won't have to run to the police and waste time and lose work hours." I was told yesterday by the owner of a small factory in south Tel-Aviv who employs four workers from Rafah, each of whom has been equipped with the necessary permits.

A tour of the industrial areas in cities located in the center of the country, reveals "hotels" in which workers from the occupied territories reside in congested quarters, more often than not lacking proper sanitary conditions.

A DEMAND FOR AN END TO COLONIAL SLAVERY

(Mordechai Avi-Shaul, President of the Israel League for Human and Civil Rights)

"Halt! Where's your identification?
Where you comin' from? Where you goin'?
Your papers! D'ya hear? Your papers!!!!
Well, now, you seem to be getting the point.
You people don't understand regular human talk.
Stand still, don't move!
———, put your hands up!
Ah-ha, Aywa, Aywa! You filthy rag!
March, you thieves, you murderers!
Terrorists!
March, jump!
Jump, what's wrong with your hearing?!
Just you wait, I'll find a way of making you talk,
You piece of ——!"

Not like South Africa! There they have a racist regime. The terrain of Israel is not like the terrain of Africa. Everything is liberal, democratic—chez-nous. Humane. Even though it is "difficult to be both Jewish and humane" as was said in an article in "Maariv".

The continuation will come, down at headquarters or in the jail courtyard. Surely there they will open his mouth with brass knuckles.

The reverberations of the screams of those being tortured at the Dizingoff police headquarters reached all the way to the editorial desk of the liberal newspaper read by the intellectual community of this nation. Those living adjacent to the headquarters as well as those living further away are horror-stricken by the nightly nightmarish events.

Everyone knows the truth. All the media ppeople know. They know more than is being outlined here. They know of the horrors—and only one in a thousand writes about them in the newspapers. A voice in the wilderness. A lonely voice gagged by the cacophonous chorus of liars demanding "the taking of legal steps against those slanderous people". Naturally, only after they've piously rolled their eyes heavenward.

But "the police are absolutely forbidden to beat", said the spokesman of the northern district. "We don't beat security detainees and others, and in the event of a complaint, the police conducts an investigation to the heart of the matter..."

And what of those who have not been either security detainees or others, but are just regular Arab workers? You may rest assured. By nightfall they will have been transformed. If they come from the occupied territories to Israeli

settlements and towns in order to earn—through back-breaking work—a loaf of bread for their families, to work the land from which they were evicted—the land that became the property of the state. Without authorization, they may not set foot on state land between the hours of midnight and three a.m., nor sleep in a citizen's home. Like the blacks in South Africa.

And the Arab worker who has managed to obtain work, is tied and bound like the Canaanite slaves of old; and without the generosity and patronage of his master, he may not dare even lean on the walls of the town. And should it even enter his mind to find a place to sleep in a derelict yard, or near the buildings in which he works, he will find himself arrested on charges of vagrancy. And ever so quickly he will turn into a security prisoner. But this is hardly racism, perish the thought!

A worker who offers his services for work which is not perfectly legal, that is for work which has not been authorized by the "liberal" government, is preferred by the employer. One doesn't have to pay him so much. He is at the mercy of the generosity of his master. He is tethered to his place of work, day and night, simply so.

Come evening, the owner of a business, leaves his office and locks the gate behind him—a steel gate for added protection. He goes home, caresses his children, smiles at his wife, eats dinner in the bosom of his family, enjoys the television programs, and hears about the hunt for illegal Arab workers who have proliferated in the Negev. He reads in the newspaper about the youth from Rafiach ("Ha'aretz" 1.8.75), a fifteen year-old hired hand, who was beaten to death in Lachish by one employer because he fled from him and went to work for someone else . . . He then reads, and a wry grin can be seen at the corners of his mouth: those fools, don't they know that Arabs belong in a locked pen . . . with no one coming in and no one going out . . . with no theft and no one taking flight . . .? He, the liberal and democratic citizen, yawns and has already forgotten . . . he climbs into his bed and sinks into a pleasant unencumbered sleep.

"Every evening, the doors of the warehouses are locked, and thousands of workers from the occupied territories ("liberated territories"—M.A.) who work in a variety of factories within the green line are kept within. The doors remain locked until the early morning hours, a short time before the beginning of the work day."

Is it possible that such barbaric deeds are perpetrated in secret? Or are the charming employers afraid that their cruelties will become known to the authorities, to the guardians of the law? Is this possible? Since the subject under discussion is only Arab workers, and the prohibition against cruelty to animals does not apply to them—who will pay attention to the penning-in of those who are without protection and human rights, to those who are without citizenship and national standing? The "*phenomenon which is well known to the police and citizen patrol*" (my emphasis, M.A.) would not have merited publication in any daily newspaper in the state of Israel, had the firemen not discovered three charred bodies among the ruins of a plant that went up in smoke. But the police patrols "make the rounds nightly in the areas in which Arab workers are concentrated."

What is the difference between Lachish area and Tel-Aviv? To all appearances, nothing at all. Perhaps the only difference is the form the colonial enslaving takes and the means by which it is uncovered. In the Lachish jungle, the murderer is safe, for no law applies to the Canaanite slave. Because it is none other than the "liberal" government which has imposed the system of restrictive, racist laws on the workers of the conquered territories—the refugees and sons of refugees; and it is the government which dispatches the police and the army against the workers who dare to spend the night in the paradise of the Jewish settlers who made the wilderness bloom—the wilderness being lands whose inhabitants were evicted. The pirates of Pithat Rafiach who destroyed farms and plugged up wells and evicted honest Arab farmers, have risen to great heights in Israeli society; they've been appointed advisers to the government.

In the Tel-Aviv jungle, the crime is embroidered with intellectual cynicism and is immersed in a stench of rotting hypocrisy: "The egress door was locked from the inside", lies the liberal newspaper. (Ha'aretz)

And all the media, in a chorus of criminal complicity, is busy investigating the "causes" of the fire. Arson? An electrical incident? Gas? Combustion of matter that caught fire in an electric heater?—"The suspicion regarding the possibility of arson has been eliminated" . . . And the human beings who went up in the

flames? And those who are legally perpetrating these atrocities? What is the reason for the sacrifice to Moloch—the ancient god to whom humans were sacrificed at the altar?

And when will the authors of this filth be brought to trial? The perpetrators of the military regime and those who enacted the racist laws? And when will an end be put to the colonial slavery on either side of the "green line"?

MARCH 19, 1976.

PEOPLE AND VALUES GO UP IN FLAMES

(Column of Nathan Dunvitz, Ha'aretz)

It is unacceptable that Arab workers be treated as were the black slaves in the cotton fields of the United States.

Years ago, I witnessed a scene I shall not forget to my dying day. A fire engine and many passers-by were hastening to a store in the Mikveh Yisrael street of Tel Aviv. "Aryeh" Taxis now occupies the space. The air was heavy with smoke coming from the store and a horrifying scene was taking place inside. A man was claspng the latticework of the store and screaming for help, while flames consumed his body. Within minutes, the man became fire fodder and only a scorched body—like a terrible black statue—and the heavy stench of scorched meat remained. People froze in place. There were those who burst into sobs, women shrieked hysterically. Even if they had come a few moments earlier, the firemen could not have rescued the person. The store's exit was blocked by flames, and the firemen were not able to saw the latticework because the requisite tools were not available then.

The picture of a man going up in flames will never leave me. At this very moment, as I write these lines, the terrible sensation—after many years—returns to me. A horrible mixture of hideousness and helplessness.

Many young Israelis know this awful scene from the battlefield. Tank crews turning into torches . . . I don't know whether there is a more horrible vision than this. Anyone who has seen such a scene in real life will find difficulty being shaken by the almost-authentic depletion in the film "The Towering Inferno".

The vision of the human being going up in flames returned to me upon reading the nearly-laconic description of the fire in a factory in south Tel Aviv, in which three workers from the Gaza Strip found their death. The owner, so it was reported, was in the habit of locking them, nightly, into the factory which was a teetering, fire-trap of a structure—in an area in which many such fires had occurred over the years. It was his custom to lock the door with a large padlock from the outside, and to go home until the morning hours of the following day. He simply jailed them and they were unable to escape their bitter fate.

My first mental association was of the human being going up in flames. The second: the life of slaves. Slavery in Israel.

Let them not come and claim that this is not slavery; and let them not demand a prohibition on writing in this vein for fear of the materials being used against us by our enemies. Let it be used. Maybe something will begin moving. I am horrified by the thought of what happened, by the fact that this could happen at all in this country, and by the knowledge—made public after the fire—that there are other workers from the territories whose living conditions are the same: huts and factory structures locked from the outside. Locked in like slaves. To prevent them from going out and, heaven forbid, spending some pleasant time outside; or perhaps to prevent them from committing acts of sabotage since the responsibility would fall on those who left them in town at night and did not ensure their return home across the green line.

The moral decline—which manifests itself in acts of decadence, bribery, life lived outside the law, and which from time to time sees the light of day in print—this is what is horrifying. When the building boom reached its zenith, articles appeared here and there, describing the slave life of the workers in the Hebrew cities. Not in those words—but the meaning was clear. And nothing caused people to shudder or be horrified except the thought of "what would happen if all the Arab workers didn't come to work and the entire economy were struck. Who would build our houses? Who would bring the goods to market?"

The public did not shudder at the announcement—I no longer remember who made it—that the workers from the occupied territories are the "hewers of wood

and drawers of water for Israeli society". Many Israelis saw, with their own eyes, markets for the sale of workers forming themselves every morning under their window sills. They saw the bosses bringing members of their villages and towns and selling them, in return for a commission, to the Israeli contractor or factory owner. And no one was shaken. It was just a portion of the layer of fat and plenty that had become part of Israeli life during those years.

Now the blaze broke out in the factory in Tel Aviv. People were shaken—not all of them—for a minute, a day, or maybe a week. And life will return to its regular course. And I am willing to bet that workers from the territories will continue living where they work or in huts made of tin and wood. In sub-human conditions.

Maybe, just maybe, an anonymous—or not so anonymous—person will be found who will sit down to write of the human tragedy of people being locked in nightly, with a big lock on the outside of the door—people who are not considered prisoners but workers. In March 1852, an American woman, unknown up until then, shook America and the world: Harriet Beecher Stowe wrote "Uncle Tom's Cabin" and the world learned of the life of black slaves in the cotton and rice fields of southern United States. Maybe someone will be found who will write the story of the Tel Aviv cabin.

As an Israeli, I am mortified by this "phenomenon". See how far we have deteriorated.

PALESTINIAN CHILDREN IN THE CONQUERED TERRITORIES IN 1976—THE CASE OF POPULAR RESISTANCE AND OF REPRESSION

REPORT TO THE LEAGUE FOR HUMAN AND CIVIL RIGHTS

(By Attorney Felicia Langer, member of the board of the League)

The tenth year of the occupation can be appropriately named the year of children's resistance. The generation that "did not know Joseph", consisting of children who in 1967 could be as little as 3 or 5 years old, has not become reconciled with the conquest and is determined to put up resistance to the Israeli presence in their land. Their resistance manifests itself in the form of demonstrations, graffiti, improvised leaflets, sometimes scribbled in handwriting recognizable as coming from a school-child, on a sheet torn from a school copybook. Occasionally, however, the manifestations of resistance can be more violent, like burning of tires or throwing of stones upon the bearers of the "presence"; i.e., the IDF soldiers or the Border Guards. The "shots in the air" with the purpose of killing, as well as the numerous casualties of the last year have by and large failed to intimidate the youngsters.

Anybody familiar with the behavior of children and adolescents under any foreign occupation is bound to realize that attempts at their intimidation will not work, when their hurt national pride and their frustrations stemming from total denial of political rights are subject to a comparison with the news of liberation of other nations which reach the ears of the youngsters recurrently. What is going on is the ninth and the hugest of all the tides: so that anybody with feeling and conscience, in particular anybody who still remembers Jewish children as they matured in the struggle against the British, is bound to realize that there is no solution except to grant the legitimate rights for which the children are struggling.

In the course of the last year, I have followed this tide, as a professional and as a human being. I have been watching this generation brought en masse to courts and fined for hundreds of thousands of Israeli pounds. By law, it is the fathers, refugees themselves, who are responsible for delivery of the payments. But in the event of their failure, it is the children who go to jail.

On March 18, 1976, I saw a group of about 20 youths in the military court of Hebron. The bruises on their faces and arms bore testimony to the treatment they had received from the guardians of the law. One of them had his hand in a cast; another had a badly swollen eye which he could hardly open. The same day in the vicinity of the Tomb of Patriarchs, I extricated from the hands of IDF soldiers a boy who lost consciousness as a result of blows he received at his own home in the course of a meal. We accompanied him to a local hospital. In that hospital, I learned that in demonstrations of March 17, dogs were let loose against the demonstrators. The doctors told me, not only of having had to treat people bitten by the dogs, but also of having been themselves beaten by the soldiers while trying to provide medical care to the injured in the streets. About this they issued a special written statement.

I will never forget the swollen and bruised face of Jamil Abu-Gharbiyeh, with drops of blood falling from his eyes, as he came to my office right after having been released from detention at the site of a demonstration. Certainly, evidence was not missing when he made his appearance in the court.

In juvenile court trials in Jerusalem I was defending several thirteen years old girl students from the Kalandia refugee camp, as well as a boy with a hand in cast and head in bandage. The boy testified that his injuries had been caused by blows of the policemen. The police witness denied that any beating had taken place. The boy was found guilty and fined, with a suspended sentence. The girls from the Kalandia camp looked downright grotesque in the setting of the court, when the judge was pontificating about threats which they pose to security and about necessities of deterrence. A boy tried on the same day, with whose family I am acquainted, was refused bail, due to which he could not see his gravely ill mother. She later died while he was still under lock. Finally, fined and with a suspended sentence, he went straight from jail to attend her funeral. There he saw her, as she was no longer alive.

These are the lucky ones, entitled to the assistance of a legal counsel. But most of the youths are being brought to what could be aptly called "field trials" which take place at night, in the atmosphere of terror, with no counsel present. Not even the representatives of the International Red Cross are able to monitor such trials.

The youths are crowding the jails to the full capacity. When no room is left, they are being transferred to a recently erected lockup in the village of Khawarah in the vicinity of Nablus. Thus we can see that all the jails combined together do not have sufficient space to accommodate all the protesters against the conquest, in particular the juvenile ones.

About a month ago in Nablus, I met a boy by the name of Franjih El-Massri who left the jail after three months of confinement. He told me about beatings to which he was subjected. He also told me that he was arrested not at all during a demonstration but at home. From him I learned about his friends Hassan Othman and Mahed Abdo, each of which also got three months of confinement and a fine of IL8,000.

In Tul-Karem I defended two boys from Salfid accused of having pulled down the Israeli flag from the Salfid police station building, in retaliation against the desecration of the Koran in the tomb of the Patriarch by the settlers from Klriat Arba during the last year's Day of Atonement. The youths—Abd El-Fateh Nazmi, Abd El-Fateh and Muhammad Shahin—were lucky to find a considerate judge who sentenced each of them to two years of prison, thereof nine months effective, even though the prosecutor demanded three years.

During the same session of the court, an orphan boy by the name of Kheiri Ghanem from the village of Deir El-Gabon was under trial for having raised, together with other boys from his village, the Palestinian flag during a demonstration. I submitted that the desire for a flag of one's own should be self-evident for anyone who has ever gone through the experience of a struggle for independence and freedom. This boy got—from the mentioned considerate judge—"only" IL 1,500 of a fine and three months of suspended sentence. The prosecuting attorney commented that had the boy been tried by a strict judge, as the majority are, he would receive a particularly severe punishment, in conformity with the attitude of the authorities towards the Palestinian flag.

Often the soldiers or the Border Guards, of whom some may have been hit by stones, work off their bad tempers upon Arab passers-by, even though the latter may not have the faintest idea that a demonstration is elsewhere taking place. Something like this I saw two months ago in Nablus. A Border Guard whom I met in the building of the military government, complained that his leg had been struck by a stone while he was dispersing a demonstration which took place on that day in Nablus. "I will smash the bones of anybody whom I see," he screamed. An opportunity was not slow in coming. I watched him as he went onto the main street, stopped two young passers-by and escorted them to a small check-point cubicle. I was in the same cubicle, in the company of a Red Cross representative, awaiting the opening of court proceedings. The boys from a near-by village could not even understand what was demanded of them. He took their papers, and in response to their claim that they knew of no demonstration, he yelled, "They are all filthy liars!" It was only due to my intervention and to the presence of the Red Cross representative that the boys were left alone.

Recently the authorities embarked upon new methods of repression designed to deter the refugee camp children and adolescents from participating in demonstra-

tions and even from manifesting in any manner whatsoever their emotions about the occupation. The soldiers are now coming to refugee camps, gathering the children and youngsters together, hitting them with sticks up to the point of making them bleed, threatening the small children with snakes, calling on families in the middle of the night, and often arresting the children without any charge. This is what happened in the Balatta refugee camp, renamed "Tel El-Zalatar", located in the Nablus region. The names of some youths who were thus beaten, some of whom were subsequently also brought to trial, are: Mahmoud Abd-Alla, Khader Mahmoud, Abd El-Ghani Issah, 16, convicted to one year of prison and the fine of IL 10,000 and Ziyad Dajani who got nine months of prison or IL 10,000 of fine.

Included in the last wave of arrests that took place in the proximity of this camp were dozens of students. A delegation of mothers came to my office to request help from me personally and from the Human Rights League. They described to me their children's and their own sufferings. They told me about Subhi Mahmoud Nimr Issah, arrested four times and badly beaten without being seen by a magistrate; about Mussa Halli Shariyeh, 12, arrested with the whole group of boys aged 11-13. The mothers also told me about how the students are being transferred from their schools to other schools in remote places, so as to intimidate and immobilize them.

The mothers appeal to our hearts and consciences. They represent thousands of mothers in the conquered territories. The list of youngsters from Nablus and Ramallah who have been arrested, beaten and tried is appended. Even though the list is neither complete nor updated, it is indicative of the scope of the problem. It is also indicative of the justice of the cause towards which nobody who is truly human can remain indifferent.

APPENDIX

A list of some pupils, with their ages, who were arrested and put on trial in two towns only of the West Bank, Nablus and Ramallah. The first 47 pupils are from Nablus, the rest from Ramallah.

1. Abed Almana'am Ra'ab Tibawi, 15 years old.
2. Bal'al Alazizi, 15 years old.
3. Samar Muhammad Samaru, 16 years old.
4. Iman Jusuf Dahar, 15 years old.
5. Nadal Hassan Zaki Asalan, 15 years old.
6. Khalil Abed Allatif Sa'ad Aldin, 14 years old.
7. Taisir Muhammad Qassem Shtubela, 16 years old.
8. Samar Kamhiya, 15 years old.
9. Jamal Istaniya, 16 years old.
10. Nagl Muhammad Jusuf Khalillya, 16 years old.
11. Balal Hiron, 15 years old.
12. Maryan Makhluf, 16 years old.
13. Majdi Alabar, 15 years old.
14. Saber Khamdi Sakef Alkayat, 16 years old.
15. Ahmad Abed Alani Alafari, 16 years old.
16. Ahmad Fa'iz Khader, 16 years old.
17. Ibrahim Al'iwi, 15 years old.
18. Umar Mafid Abed Alkarim Umar, 16 years old.
19. Said Walid Mera'i, 16 years old.
20. Sa'adi Walid Mera'i, 14 years old.
21. Dawud Mustapha Alsalelibi, unknown.
22. Zi'ad Khumad Alshami, 15 years old.
23. Muhammad Nazar El Bazara, 15 years old.
24. Khal Zahelr Tabila, 15 years old.
25. Ju'ad Salim Alkhamad, 17 years old.
26. Balal Bakr Alkhanbali, 15 years old.
27. Khamdi Basal Kanafan, 16 years old.
28. Qassem Suleiman Alshamar, 15 years old.
29. Khalid Mera'i Ahmad Karkash, 15 years old.
30. Khamad Ibrahim Alqusa, 16 years old.
31. Maji Muhammad Jusuf, unknown.
32. Khani Zaki Alsallan Alafari, 15 years old.

33. Jamal Abed El-Ra'uf Ra'ab Fatian, 16 years old.
34. A'ataf Mustafa Fatian, 15 years old.
35. Jusuf Ahmad Jusuf Alasa, 15 years old.
36. Naziya Adal Daruza, 16 years old.
37. Bishar Bazi Alaskari, 17 years old.
38. Zuheir Ahmad Albahash, 14 years old.
39. Bassam Rashid Albahash, 16 years old.
40. Ma'azan Umar Mahmud Fartaldin, 18 years old.
41. Ahmad Abed Alani Alafuri, 15 years old.
42. Mubammad Na'ayuf Riad Faher Naif, 15 years old.
43. Fathi Mahmud Ahmad, 16 years old.
44. Mahmud Darwish Alshashtri, 16 years old.
45. Mahdi Yatti Abed Alkhak, 16 years old.
46. Jusuf Ahmad Hassan, 17 years old.
47. Abed Alkarim Abed Aljalil, 17 years old.
48. Nur Aldabukh Badawi Sanduka.
49. Nahada Badwai Sanduka.
50. Fatkhiya Uda Shhada Muslakh.
51. Ataf Umar Iakub Abu Atiyeh.
52. Talai Abed Almalik Muhammad Hassan Uda.
53. Muhammad Iyub Iakub.
54. Khamad Kamal Khalil Khamad.
55. Anwar Munir Iakub Alkura.
56. Nabil Ibramim Khalil Abu Ila.
57. Abed Alrahim Hassan Khamdan.
58. Muhammad Umar Alkhatib.
59. Khalil Jusuf Khalil Alsarati.
60. Jamal Mahmud Alkhamus.
61. Muhammad Iman Hassan Mussa Uda.
62. Jahar Hassni Khasin Aljamal.
63. Jamal Hassan Ahmad Zaid.
64. Bassam Sa'adi Ab Qweik.
65. Ramadan Hassan Ibrahim.
66. As'ad Muhammad Ahmad Mustafa.
67. Abdalla Hassan Muhammad Sulama.

NOTE.—The particular ages of the Ramallah pupils could not be ascertained, but they are all in the age-group of 14–17 years old. Most of the pupils mentioned in this list have been “sentenced” already, by the military courts (usually in batches of ten–twenty children at an hour session of the “court”). The usual “sentence” is 10,000 Israeli pounds fine. Those suspected of being “agitators” receive prison sentence in addition. For comparison the pay of a worker is about 1500–2000 IP a month, in the West Bank. Until the “sentence” the children can spend several weeks, and even months, in prison in the most atrocious conditions. Israel Shahak.

REPORT ON THE OPPRESSION IN RAMALLA AND EL-BIREH, MARCH 1977

(Eytan Grosfeld and Dr. Israel Shahak)

PREFACE

When the prisoners in the Ashkelon Jail have recommenced again their hunger strike (after their first hunger strike of 45 days, got the following concessions from the prison administration: The addition of almonds and combs to the list of the products the prisoners are allowed to buy in the prison canteen) many more organizations and individuals have joined the struggle for humane living conditions of the political prisoners in Ashkelon Jail. Against the self-imposed conspiracy of silence of the Israeli press and the silence imposed by the aggressive censorship on the Arab press of East-Jerusalem, many new activities for the prisoners were undertaken.

So, many thousands of leaflets were distributed, petitions demanding the immediate satisfaction of the just demands of the prisoners were circulated, the Israeli League for Human and Civil Rights has published (in Hebrew) a special pamphlet in which reports of the lawyers about the condition of the

prisoners were reproduced; important knowledge was sent to many organizations and individuals in countries outside Israel. Many were asked for their intervention, and several demonstrations, meetings, press-contacts, and protests of all kinds were undertaken. Among those, a hunger-strike of three days undertaken in the Hebrew University of Jerusalem, in sympathy with the strikers can be emphasized.

But such protests were not limited to the area within the Green Line, where they can be undertaken with relative impunity. Many protests—some unknown to us—were undertaken in the conquered areas as well. The prisoners of the Jenin Ramallah and Hebron-Ei-Khalil Jails have also struck, both in form of hunger-strike and work-strike.

In the College of Bir-Zeit a strike of the students was held and the Border Guards arrived and put the town in a state of occupation. In East-Jerusalem several demonstrations held by the pupils of the high schools, were cruelly put down. The (illegal) committee of the students of Bethlehem University has published a statement, and called on all the students to hold a solidarity hunger-strike from 9 till 11 March, which was duly kept by all the students and the teachers. Somebody has flown the Palestinian flag over the University buildings on 10 March and the University was immediately surrounded by troop-carriers and by tanks. Border Guards entered the University to take down the "illegal" flag and have interrogated—with the attendant "normal beatings"—the students and the teachers, as to "who are the agitators". Many other such activities could be related.

This is the background to what happened in Aamalia and El-Bireh, in March 1977, to the series of pogroms whose victims were equally the high-school students and the elected members of the municipalities. The description comes partly from the wounded victims lying in the Augusta-Victoria Hospital in Jerusalem, and partly from members of the municipality and other eyewitnesses.

On Saturday, 5 March 1977, a meeting¹ to express the solidarity with the Ashkelon prisoners, was held in the courtyard of the Boys High-School "El-Hashimiya" in El-Bireh. Some speeches were made, songs were sung by the participants, and then the pupils entered the classes to learn as usual.

On Monday, 7 March, at about 7 in the morning, when the first students had arrived in the school, they were surprised to find it surrounded by many Border Guards with five troop-carriers. The Border Guards demanded from each student to show them an identification card (if older than 16, otherwise a special "student card"). The students, after passing the check, entered the courtyard and began to sing freedom songs. The Deputy-Governor of Ramallah Area, Mr. Morris, has demanded that they should cease to sing and enter the classrooms. When they refused, a profusion of tear-gas grenades was thrown into the courtyard of the school. Some of the students threw stones back, and the Deputy-Governor ordered his forces to charge. The Border Guards chased the students into the classes and threw more tear-gas bombs in all parts of the building. All the students were caught and were, again, made to concentrate in the courtyard. They were ordered to sit or to lay on the ground and to put their hands on the nape of their necks, while the Border Guards, and the soldiers who also arrived, hit them on all parts of their bodies with the clubs with which they were provided.

After this, Mr. Morris demanded again all the identification papers of all the students (about 200) in the courtyard, and with their help, he divided the students into three groups.

The first group, of about 20 students, was immediately taken by the soldiers into Ramallah Jail. On leaving, the students (whose ages like all the others were 14 to 18) were ordered to pass between two long rows of soldiers, between the courtyard and the street, and each of them was beaten by the soldiers, while the rest of the students looked on. They are still in the prison, and their families were officially notified that they will spend a month in jail and after this another month! Also the families were notified on 9 March, that as an additional punishment they will not be allowed to stand for their examinations. Many of those students are wounded.

The second group, of about 75 students, was taken through the streets of Ramallah and beaten on their march through the streets, to the old stables of the

¹ It must be remembered that all meetings whatsoever are illegal in the conquered territories.

Ramalla police station. Those stables have a floor slightly below the ground level. The floor was flooded with water and the students were compelled to sit in the water, and to remain so for the greater part of the day, which was a cold one, and then sent home.

The third group—the remainder—was just beaten up and then sent home. The apparent criteria for this selection made by Mr. Morris in person, were the family names of the students ("In your family there is one prisoner" "Your family causes us trouble," etc.).

During this beating-up and selection, some of the parents arrived looking for their sons, and assembled before the school. Many of the students were already wounded and from some of them copious blood poured down. When Mr. Morris was told about the parents, he ordered the bleeding students to clean the blood from their faces and hands. They refused. He then ordered, as a gesture, to take five among them to the governmental hospital of Ramalla. Many among the crowd of the parents wept when they have seen them, and when the first and the second group of the pupils were taken out of the school and beaten-up as described above. One of them, a very old man, dared to ask the soldiers and the Border Guards not to beat the students, on seeing one of them fainting and falling in the street unconscious (of the first group). The Border Guards, in response have beaten the old man too, "revived" the fainting boy with further blows, and taken also the old man together with the first group straight to Ramalla Jail.

Dr. Azmi Shueibi, a member of the municipal council of El-Bireh, hastened to the school on hearing what happens there. He asked to speak to Mr. Morris, but instead of being allowed to do so, was publicly beaten-up by a Border Guard officer known as "Abu-Talal",² a personage well known in the area, and also known to Dr. Shueibi.

The Border Guards surrounded Dr. Shueibi and by force kept his hands twisted behind his back, while "Abu-Talal" repeatedly hit him on his cheek, while cursing him in the foulest language in Arabic. After this, Dr. Shueibi was compelled to lie on his face in the street, and that Abu-Talal together with other Border Guards and soldiers trod on him, until he fainted. He was then dragged into the school courtyard by the Border Guards, by his legs (all this in the sight of the crowd of the parents and others) and left to awaken there. Then Mr. Morris addressed him ironically saying: "I am sorry, we have thought that you are a student too!" Dr. Shueibi answered: "And if I am a student, so what! Is there any guilt in that?" As a reward of this "impudence," he was beaten by the Border Guards again, while Mr. Morris ordered them in Hebrew to beat him up, and in Arabic not to beat him.

Some of the teachers had related that on the arrival of Dr. Shueibi, Mr. Morris immediately ordered "Abu Talal": "Beat-up Dr. Shueibi, here he comes!" Dr. Shueibi was then freed, and was taken to the hospital, and a certificate of the doctors who have attended him is available. After his wounds were attended to, he went to the municipality building in order to report to the mayor. Dr. Shueibi, the mayor, and another member of the municipality decided to go to the school immediately and to help as much as possible.³ However the school was already empty of students, and occupied only by Mr. Morris and some soldiers. Immediately on their arrival, the soldiers, prompted apparently by Mr. Morris, began to curse the mayor, Mr. Tawil and his companions in Arabic. Mr. Tawil was seized, hit on his back and also on his brow where a very visible mark remained. Mr. Morris refused to talk with them.

Mr. Tawil and the councillors went then to the Military Government Centre (in Ramalla) and asked to speak with the governor, who was absent. While waiting, a phone call from the governor arrived ordering Dr. Shueibi to appear before him at 13.00 o'clock. Mr. Tawil, the mayor, was similarly ordered to appear before him at 14.30. When Dr. Shueibi entered the governor's office—and that governor's custom is to receive his Palestinian callers while putting his legs on the table, playing all the time either with his revolver or with his "Shabriye" (curved dagger)—he was not allowed to say anything but was just told: "You will be put on trial for hitting an officer of Border Guard, Abu-Talal." It should be explained that Dr. Shueibi is short and thin, while "Abu-Talal" has a most athletic body. Dr. Shueibi was then ordered to leave the room.

² An Israeli Druze. It seems that this is a nickname. The true name is unknown.

³ The whole process of concentrating the students, the beatings, the selection et cetera, took hours.

At 14.30 all the members of the three municipalities, Ramalla, El-Bireh and Deir-Dabuan arrived before the governor's office in order to talk with him about the beatings that happened that day. Punctually at that time, Mr. Morris, the Deputy-Governor, opened the door of the governor's office, and ordered all the assembled representatives, twenty five of them, to leave immediately since it is not the pleasure of the governor to see them. One of the Ramalla councillors, tried to tell Mr. Morris that they are prepared to wait the governor's pleasure, only to be told again to go out.

The expelled councillors of the three townships decided to strike on the next day, Tuesday 8 March, and indeed the municipalities closed down that day. The strike was general in all the three cities. On that day some sixty (60) students held in Ramalla prison, from former occasions were brought before a quick military "trial", if one can use such a word about what actually happens on such occasions. There was no formal or informal accusation of any kind. No opportunity for any consultation with lawyers or parents was allowed. Each student was merely asked "Do you confess?" without being even told about what or to what he should confess or what law he has broken. Everyone who said "I confess", received automatically a fine of 1,000 IP. Everyone who said "I do not confess" received immediately a fine of 2,500 IP. By the way such "trials" are now the norm in the West-Bank, so far as youth and children are concerned, and indeed happen very frequently.

On 9 March 1977, the students or Men's Teachers Training Center, near Ramalla, held another demonstration of solidarity with the prisoners of Ashkelon Jail. Border guards and soldiers, commanded by Mr. Morris, arrived and began to surround the building, while some students attempted to escape into the hills around it. However some 200 Border Guards were behind the hills in ambush, who have begun to chase the students even shooting at some of them, and on catching them, beating them up. At least 17 students were seriously wounded in the hills, and many others in the building itself, in the beating administered under the supervision of Mr. Morris. 18 gravely wounded students were transferred into the Augusta-Victoria Hospital in East Jerusalem, and about 20 wounded students into Ramalla Jail. Eytan Grosfeld has spoken with 12 of the students in Augusta-Victoria on 10 March. Here is his description of what he has seen and heard:

"Sights of horror awaited me, when the wounded students took-off their clothes and have shown me their bodies. The sight of severe beatings were clearly visible. The wounded told me the following story, common to all of them. 'The demonstration has begun about 9.15. After the Centre was surrounded by troop-carriers, then about 10.00 some five tear-gas bombs were shot into the centre and the soldiers and Border Guards charged-in. Some students escaped into the hills and have found there another unit of soldiers. The students who were caught, were beaten by clubs specially on their heads, hands and feet (many of the students have a hand or a leg broken). A special attempt—which was quite successful—was made to break their teeth.

After the beating, the soldiers took-off the students' belts, bound them in threes with the belts and dragged them into the specially prepared concentration place. There they were told to lie down and beaten again. A major who has arrived there, ordered his soldiers, not to beat further one of the students who has lost much blood, saying that he is afraid lest he will die, and even took off the student's shirt to staunch the blood from his head. At the same time another student was dragged towards him bound with his belt and was beaten up. Since not much blood flowed, the major did not interfere in this case.

Many officers and soldiers continued to beat up the bound students, attempting, and succeeding in many cases, to break-up the bones of their hands. 'Abu Talal' was one of the successful ones. He had personally broken the hand of one of the students, and wrenched-out the joints from their socket of the other hand, as was confirmed by the x-ray photograph. Some soldiers wanted to shoot a tear-gas bomb into the bound students group, but 'Abu Talal' ordered not to do this, and instead continued with others, the beatings, saying to the soldiers 'If you will not break-up those hands that had thrown stones, Morris will not be content.' When told by one of the students that both his hands are broken already, he began to smash his leg.

The students were held bound in that 'concentration place' for more than an hour. During that time another officer arrived, identified by the soldiers as their commander. He inspected the students and observing 3-4 of them bleeding

from their heads, he ordered not to beat them any more on their heads, but to continue to do so on their legs and hands. One of the soldiers pointed out with his finger at one of the students saying 'He hit back at me'. The officer then personally administered a beating to the student who was pointed out. Then under his supervision, the students were ordered to lie with their hands outstretched while the soldiers began to hit them with clubs, on their hands. Some ten clubs were broken in this process, but reserve clubs were prepared beforehand. When a soldier got tired, another took his place, and everything was done as a game, with accompanying laughter and jokes. After this treatment lasted some time, the method was changed and the students were beaten by the butts of the rifles on their bellies and their private parts. Some were dragged by hair.

Finally the students were ordered to go into the troop-carriers, bound still by their necks one to another, by belts or by thick ropes, while the soldiers ordered them by expressions used ordinarily in Palestine to speed-up sheep or camels. Some were incapable of going in—they were further beaten until they have 'succeeded' to climb the vehicle.

One of the students was so horribly beaten-up in this process that his comrades have put him in a corner and defended him with their own bodies, so that he will be beaten less—for the beating continued inside the troop-carriers. One of the soldiers, went up to him, found him fainting and announced that he will die. The rest of the students were ordered to sing in the troop-carriers. The Border Guards sang too—"Yalla, Beltar, Yalla"⁴ Every second "Yalla" was accompanied by a concerted hit with clubs on the bound students. When the students refused to sing they were beaten more, and also ordered to thank the Border Guards for the beatings, or to curse Allah or the Prophet Muhammad. One of the students was specially beaten when it was perceived that he understands Hebrew. Another who shouted too loudly when his tooth was broken by a club, was hit on his head and suffers from concussion.

On arrival of the troop-carriers in the courtyard of the Military Government, the officers and the soldiers came out to congratulate on the successful operation. The students were ordered to stand against one of the walls of the courtyard, and there all their watches were systematically smashed-up, and they were compelled, each of them to say 'thank you' after the smashing-up. One of them tried to put his watch in his pocket, but was compelled to take it out again, to put it on his hand, in order to be smashed on the hand in a proper way. The beatings continued even there. One of the students was signaled there by 'Abu-Talal' for a special beating-up on his testicles 'In order that you will be incapable to bring forth any more Palestinian children', as he 'explained'. Then the students were allowed to sit down on the ground on condition that they will never raise their heads up. They then received a pall of dirty water with rags used to clean the floor and were ordered to clean themselves by these. On asking for water to drink, they were told to drink the same water. Also technical hydrochloric acid (called 'fire water' in spoken Arabic) diluted with water, was given to them for the purpose of the disinfection of their wounds.

At that time three girl-soldiers, arrived from the governor's offices to see the show, laughing and joking. To make the sight more funny, the girls asked the soldiers to order a student, with help of a beating, to raise one of his legs and to keep it so, or to stand on one leg or to take another funny posture. Those requests were fulfilled, and the students were compelled to carry them out.

Here let me give a story of one of the students, who got a completely individual treatment. He left the Centre before the demonstration had begun and went up the street into the town. From one of the arriving troop-carriers a tear-gas bomb was thrown on him and on a small boy, of about the age of ten (10) years, who passed. Both fell on the ground. Soldiers arrived from the troop-carrier and beat-up both, but only the student was taken to the troop-carrier, where his blood dirtied the floor. This made the soldiers very angry and they beat him up further for this 'crime' and compelled him to clean the floor. The troop-carrier went up with the captive to the police station of Ramalla, where the police officer in charge demanded to stop the beating, since the student has lost much blood. He was then transferred to the courtyard of the Military Government Centre, where he joined the others.

After a time in the courtyard, a military doctor arrived who asked the soldiers to stop the beatings. He was not obeyed and he has left. Afterwards the director

⁴ "Beltar Jerusalem" a favourite football team connected with the Herut Party.

of the Men's Teachers Training Centre arrived. Mr. Morris went out to him, and the very first thing, threatened him, that if he will dare to notify journalists of what happened, the Centre will be closed. Morris was very angry when the director proposed to take the wounded into hospital, and said that only first-help is what they need, and afterwards they should be put in prison. But after a further insistence by the director who is an UNRRA official, he agreed to allow to take some of them to hospital. A 'test' was arranged immediately, by Morris, as to who of the students really needs hospitalization, which consisted of the 'ability'—as judged by Morris—of a student to raise his hands behind his head. Those, who when doing this exercise, were judged by Morris to be 'really ill', were allowed to go to an UNRRA bus, which has arrived, but only after Morris assembled them to hear a lecture which was: 'So they have inflated you (for by this time most of them were swollen)? You have enough now.' Then the bus brought them to hospital.

All the wounded have on their backs horrifying scars, caused by clubs. Generally the scars resemble two sides of a triangle, since most students were beaten simultaneously by two soldiers, one on the right and one on the left side, while being compelled to bend, or to lie on the ground. The color and swelling is specially terrible where the two scars meet. A common scar is about 20 cm. long, 2-5 cm. broad, red, with shades of blue or violet or yellow on the sides of it. Of the many wounded inspected (both in Augusta-Victoria and other places by both the authors!) we do not remember one single person who did not have such scars—apart of other wounds of course, which vary—which in our opinion shows training and prior orders.

In addition many can show similar scars, which however caused greater physical harm on the sides of their bellies, on their shoulders and on their necks. It seems to us that the average number of scars on each person's back is about ten (10) arranged as explained. Many other wounds were already bandaged, of course. Enormous swellings appeared on the hands and on the feet (of those whose hands were not broken). It could be seen that a special effort was made by the soldiers to hit the right hand more than the left. One of the students has both of his legs and his hands broken so he cannot move at all, not because of concussion but because of broken bones. He was one of those beaten by 'Abu-Talal' personally. He is also wounded in his testicles. Another has his elbow opened up to the bone (as the nurses and the doctors who bandaged him told me). The 'ordinary' broken bones are too many to describe." So far Eytan Grosfeld.

During the whole week following 9 March, similar treatment was given not only to students, but to the grown-up population in the whole area of Ramalla. For example: On 10 March, at 10.00 o'clock, Border Guards commanded by Mr. Morris attacked the Refugee Camp El-Amari, in the southern part of El-Bireh, because, so Mr. Morris claimed, somebody has thrown a stone on a passing Israeli taxi. People were taken out of their houses, mostly males, "concentrated" and beaten-up exactly as described above. One wounded man from this "operation" is hospitalized in the Ramalla Hospital. Immediately when people heard about this, pupils from all the schools in the area had begun to fly to their homes.

Many other instances of such operations both in the towns and the villages of Ramalla area could be given. But since they were the same basically as those described above, we will only describe two operations in which there is an element of novelty.

On 16 March, some 150 parents of high school students were ordered to come to the Military Government Centre in Ramalla, with their children. On their arrival at 1400 o'clock, their identification cards were taken from them, and they were ordered to sit on the ground in the parking-lot of the Military Government Centre from 1400 to 2400, and then were dismissed home—without their identification cards. It so happened, that very many people from villages around Ramalla were invited' to the Military Government on that day, and officers or clerks used to take them out and to show them the waiting guarded crowd of parents and children, saying "This happens to the people we do not like". Many old and ill people among the detained parents—including an old aunt of the mayor of Ramalla, Mr. Karim Khalaf—were not allowed to leave in spite of their sufferings. On 17 March, when the girls of the Ramalla High School sang songs, a unit of Border Guards entered the classes and threw gas-bombs, of an apparently new kind which caused prolonged nausea in addition to the usual weeping, etc. More than forty (40) girls needed hospitalization.

We should also remark that the number of the wounded, is much greater than the number of those hospitalized; since those of the people who succeed to escape the soldiers or the Border Guards are afraid even to visit a hospital, knowing that the Military Government inspects the hospitals during such periods as described, and everyone who will be discovered there with signs or scars of a beating, will be imprisoned.

Finally, as a sign of how much this reality, or small portion of it, is perceived by the Israeli "public opinion", we will finish with two apparently unrelated quotations:

In Ha'aretz of 18 March 1977 Dr. Amnon Cohen, the Chairman of the Department for the History of Islamic Countries in the Hebrew University of Jerusalem, has written in an article about the PLO: "The process of the normalization of the relations between the inhabitants of the areas⁵ is not liked by the PLO." It must be understood that for all the Zionists, and specially for their "Arabists", or specialists for Arab or Islamic Affairs, what happened in Ramalla is "a process of normalization."

In Ha'aretz and Jerusalem Post of 14 March, the Israeli Council for the Israeli-Palestinian Peace published an advertisement claiming that Faruk Qaddumi hinders the peace. It should be emphasized that neither this body of cheats and hypocrites, nor any one of its members has said in public one word about what happened in Ramalla and El-Bireh. From this one can draw the conclusion that in their opinion, neither the military governor of Ramalla Area, nor his deputy Morris, nor the one in charge of territories Mr. Skimon Peres, and of course not the beatings (which for them do not exist!) hinder the peace, but only what Mr. Qaddumi said or did not say. It is because those disgusting hypocrites, participate in the conspiracy of silence, ordered and organized by the Israeli government, that they can boast of their "good relations" with this government of sadistic oppressors. We, on the other hand, boast, that in these difficult times, we are not silent when children are beaten because they desire freedom and struggle for it!

VIOLATIONS OF HUMAN RIGHTS IN THE WEST BANK: REPORT BY A SWISS LEAGUE FOR HUMAN RIGHTS OBSERVATION MISSION, UNDERTAKEN JUNE 26 TO JULY 2, 1977

In going to the West Bank, our delegation had no other purpose but to form a concrete idea concerning the situation of the inhabitants of the occupied territories. Therefore, our objective here is not to develop theories or make legalistic or political evaluations, but to re-state, as faithfully as possible, the evidence collected by us and the observations noted.

If the great similarity in the evidence gathered has led to some generalizations on our part, the reader should take note that the present report is no more than an account of facts that have been described and verified.

We have categorically rejected cases of isolated testimony, assertions lacking certainty, developments uncorroborated by actual and verifiable facts, and we have only retained the facts that we ourselves were able to observe, or those concerning which we heard testimony and which we were able to verify by cross-checking the evidence several times.

Thus, we were forced to discard important information which we were not in a position to verify.

If the present report contains practically no names of persons, the reasons are quite obvious and are due to our concern for the safety of our witnesses; nevertheless, our delegation has retained only evidence submitted by persons whose identity was known to it.

We draw the reader's attention to the fact that the present report concerns itself only with the situation affecting human rights in the occupied West Bank, and not with the situation in Israel proper.

We have adopted United Nations terminology insofar as the term "occupied territories" is concerned, as well as with regard to the appropriate vocabulary used to describe the situation of the Palestinians living in the West Bank.

WEST BANK MUNICIPALITIES

Our delegation was able to talk with various municipal officials in the towns of West Jordan; in particular, it was received by the mayor of Jericho, the mayor of Ramallah, the mayor of El-Bira and the deputy mayor of Bethlehem.

⁵ That is the conquered areas.

From these conversations, the following stands out :

1. The authority of the mayors of Arab towns in the West Bank extends only over municipal questions, the real power being in the hands of the Israeli military governor.
2. The municipalities have practically no funds to dispose of, except for the assistance extended for social ends by various Arab states. Additionally, it should be emphasized that entry into Israel of such funds is extremely difficult, and that substantial sums are lying dormant in Jordanian banks, awaiting the possibility of being transferred to municipalities in the West Bank, if authorization can be obtained from the military authorities.
3. The social infra-structure is largely missing and the municipalities lack the means of acquiring the necessary equipment. To cite an example, the town of Bethlehem (population 35,000) has no fire-fighting vehicles.
4. The mayors are often denied permits to leave the occupied territories, even to respond to invitations from foreign countries or municipalities, or to travel abroad to raise funds for assistance. It is to be noted that the majority of towns in the West Bank are "twinned" with foreign towns and that the occupying authorities prohibit exchanges between the twin localities.
5. The function of mayor or that of municipal councillor does not provide immunity, for those who hold it, against arbitrary arrest, pressure of all sorts or even deportation. The same applies to candidates for office in municipal elections.
6. During the period when the now-occupied territories were under Jordanian sovereignty, the mayor who has inherited ancient traditions exercised the customary power of conciliating or settling family disputes. This judiciary function has been abolished by the occupying power.

TERRITORIAL EXPANSION

From various depositions, as well as on-the-spot observations which we ourselves were able to make directly, it is evident that expropriation of numerous houses or of land owned by Arabs is a current practice in the West Bank, and is of such magnitude as to lead one to think that the underlying motive is a political one, that is confiscation, pure and simple, of the occupied territories by the Israeli authorities.

The following examples may be cited :

1. An inhabitant from Bethany found himself notified by official letter of the expropriation of his land against indemnification. No useful public service was cited as the reason for the act of expropriation. He was left with no choice but to either accept it, and to risk being regarded as a traitor in the eyes of his compatriots, or to refuse it as more and more Palestinians are doing.
2. For over three months, the village of Deir Abu Mishal, the geographic location of which is strategically important, has been the target of violent incursions by Israeli troops, who shoot automatic rifles into the air and break windows and doors. The terrorized inhabitants, who seek refuge on the rooftops are unable to sleep at night and are forced to rest a few hours during the day, which puts them in a state wherein they are unable to pursue their daily chores. The obvious objective of this operation is to coerce the inhabitants into evacuating the village, or to justify using force to evict them should they react violently to the nocturnal raids by the Israeli troops.
3. A neighborhood of Arab houses, situated between Jericho and the Jordan River, was occupied by the Israeli Army in 1967, and again in 1973. During the latter occupation, the Israeli Army totally destroyed the interior of the houses, even carrying off the furniture, leaving nothing in place except walls and roofs. All the inhabitants have departed, fearing a renewed occupation.
4. In the proximity of the town of Ramallah, the Army has taken over a hill which abuts the water reservoir belonging to the town of El-Bira.
5. Starting at Bethlehem Hill, the view of the Old City of Jerusalem, enclosed following expropriation by buildings constructed for Jews only, is indicative of the determination of the Jewish State to retain the West Bank.
6. Near Hebron we visited the town of Quiryat Arba, which is typical example of the Jewish settlements established in the West Bank.
7. Several persons confirmed to us, by citing precise cases, that not only have lands and houses been confiscated, but many houses in the occupied territories, owned by people who have been arrested or who were suspected of sympathizing with Palestinian organizations, have been demolished since 1968.

The various facts cited above, as well as observations made by the United Nations, attest to the State of Israel's determination to appropriate or annex the occupied territories.

In particular, the objective of the expropriation, the confiscation and the demolition of houses is to coerce the inhabitants into leaving the West Bank.

PRISONS

In light of the numerous depositions gathered by our delegation, it is in a position to affirm the following with regard to detention of Palestinian prisoners:

1. In extremely frequent cases, the crowded conditions in prisons reach dramatic proportions; detainees are so crammed together that, for lack of space, they cannot stretch on the floor to sleep. As an example, Ramallah Prison houses 200 inmates, of whom 10 percent may be described as common law prisoners, although its capacity does not exceed 40 inmates.

2. Several detainees have been driven to insanity under the effect of torture practiced on them before or after their trials.

3. Arrested persons are not allowed to be in touch, either with their families or their lawyers, so long as their interrogators remain unsatisfied with the statements obtained from them. We encountered families that remained for weeks ignorant of the whereabouts of some of their members.

4. Serious discrimination exists between Jewish and Palestinian detainees. For example, in Beersheba Prison: Jews have beds while the Arabs must sleep on the bare floor; Jews receive 4 visitors a month, while the Arabs receive only 1; Jews may use 10 blankets, while the Arabs can only use 5 or 6, particularly during the rigorous winter months.

5. Medical and dental care are almost non-existent, or often too late, because a detained person must inscribe his name in a list for a visit, and then await his turn to see the doctor or dentist—usually several days later, or even weeks.

6. Imprisoned children and students have no possibility of pursuing their studies in prison. However, the families can, in the meantime and as a general rule, send them books through the sole intermediary of the Red Cross.

7. We gathered a great deal of evidence on cases of detention lasting several months, without interrogation, a trial or sentence.

MILITARY TRIALS

On June 29, 1977, one of us—Me. Moutinot—was accorded the opportunity of witnessing the trial of four Arab youths before a military court which met at Lod.

The facts, acknowledged by all, were as follows: four young Arabs, aged 16 to 17, had prepared six bottles filled with gasoline, which they had intended to hurl at the Jews. In fact, they only threw two bottles, which caused minor wounds to two Arabs.

The charges against the defendants, according to the 1945 Emergency Defense Act promulgated by the British, were:

1. Military training: punishable by a seven-year prison sentence.
2. Preparation of explosive devices: punishable by a life sentence or death.
3. Transporting explosive devices: punishable by a life sentence or death.
4. Hurling explosive devices: punishable by a life sentence or death.

The court was composed of three judges, of whom one only had had a legal education; two of the judges were lieutenants and one a major.

PROCEEDINGS AT THE TRIAL

At 9:50 a.m., the four defendants were brought into the hall handcuffed to each other. The handcuffs were removed as soon as they were seated in the dock.

The trial took place inside a military camp. Thirty seats, allotted to the public, were practically all occupied by relatives of the defendants.

About a dozen armed soldiers from the military police stood guard inside the hall.

A military interpreter sporadically translated for the benefit of the defendants, from Hebrew into Arabic. The proceedings were conducted entirely in Hebrew.

The dossier, which was a very thin one, contained mainly the confessions of the defendants, in Hebrew, a language which the said defendants neither speak nor understand.

The language of the document reflects the foregoing: phrases such as "I am a terrorist" are put into the mouth of a defendant who would never have used such terms, but rather would have said something like "I am a fighter for the liberation of Palestine."

The personal dossier is almost nonexistent, except for a brief curriculum vitae.

The defendants were interrogated by the court. The only witnesses were the security agent, who had taken down their confessions and who affirmed that the defendants made the statements which he had recorded of their own free will, in addition to the father and uncle of each of the defendants, who testified as to the good character of the youths.

In an indictment lasting five minutes, the prosecution called for "a severe penalty." The defense, undertaken by Me. Lea Tsemel, pleaded for 30 minutes, asking for the indulgence of the court in view of the youth of the defendants. The defense introduced the expert opinion of a chemist who demonstrated that the bottles were not explosive, but rather incendiary devices; she insisted that the four charges against the defendants sprang from one and the same act.

The session was adjourned at 12:15 p.m. for lunch and for deliberation by the court.

It returned at 14:15 and the four defendants were pronounced guilty of all the charges, the verdict being as follows:

1. One of the defendants was sentenced to a 6-year prison term of which 2 were suspended.

2. Two of the defendants were sentenced to 5 years of which 2 and a half were suspended.

3. The last defendant was sentenced to 2 years of which one was suspended.

It is noteworthy that there is no penitentiary in Israel for youthful offenders, at least insofar as Arabs are concerned, and during their period of detention, all the defendants had been raped by their co-detainees.

PRELIMINARY INQUIRY

The defendants were apprehended on April 3 and 4. Three of them were arrested in school. All were beaten and brutalized by interrogators from the security forces.

It is relevant to state that the inquiry is conducted entirely by the police without any legal supervision, or the right of resort to legal aid.

The attorney may not see his client except after he has confessed, which happened in this case, on April 17, 1977, approximately two weeks after the arrest.

It would be pertinent to point out that the 1947 Emergency Defense Act was passed by Great Britain during its struggle against the Jews, who at that time described it as "Nazi-like, inhumane and contradicts all human rights," and that currently they are enforcing this same law against the Palestinians.

TORTURE

We have gathered concurrent testimony from former prisoners, attorneys, prisoners' families and from members of municipal authorities, attesting to the fact that the use of torture in the West Bank is a systematic practice.

Following is a list of the different forms of torture practiced on persons previously apprehended by the occupying authorities. It is not an exhaustive one, and includes only the forms described to us as the most common.

Locations where torture takes place

1. Sarafand (near Tel-Aviv)
2. Hebron
3. The Russian Compound (near Jerusalem)

It appears that if torture is a common practice, these three locations are, sad to say, famous as centers that specialize in the use of torture, as we were told by numerous prisoners.

Forms of torture.

1. Burning by applying lighted cigarette butts to any part of the body.
2. Using irritants (powders or sprays), which cause itching or sharpen the pain brought on by other forms of torture.
3. Beatings by sticks, canes or bludgeons.

4. Electric shocks applied to all parts of the body, especially and particularly to sensitive parts (ears, genitals).

5. Forcing bottles or other objects up the rectum or the vagina.

6. Pulling finger nails.

7. A form of torture known as "the water drop," which consists of causing a drop of water to fall at regular intervals, and for hours on end, over an individual who cannot escape it. This form of torture frequently leads to insanity.

8. Exposing an individual, in the nude, to full sunlight for hours on end.

9. The so-called balance torture, which consists of balancing an individual for hours on end, either by strapping him to a swing or by suspending him.

10. The so-called "tiger cage," which consists of locking the individual inside a cage too small for standing up or for stretching, so that he is forced to crouch. The floor of the cage may be encrusted with sharp spikes.

11. Depriving an individual of sleep for several days.

12. Suspending by the feet or hands.

13. Plunging an individual in an icy bath, then plunging him in a boiling one, and repeating the process.

14. Locking the individual inside a place with wild dogs and cats.

15. Prolonged and systematic use of lacrimatory agents.

16. Forcing an individual to lap his food directly off the floor.

These forms of torture are used mostly to obtain confessions from the apprehended person, and they continue for as long as necessary until the desired statement is obtained. Equally, these forms of torture may be practiced with the simple purpose of breaking the tortured person both physically and morally.

It is relevant to note, as the above demonstrates, that when conditions during detention are particularly bad, they tend to be the equivalent of torture.

RESTRICTIONS ON MOVEMENT

West Bank inhabitants cannot move freely from place to place. The following situation prevails:

1. Even within the West Bank itself restrictions on movement can be found, either through forced residence inside a given area or, in a more general way, by making moving to another place subject to authorization.

2. Several persons, especially mayors of Arab towns, complained to us that they were denied permits allowing them to travel abroad, even if such travel was to be undertaken in response to an invitation from abroad.

3. It can happen also that certain persons may receive permits to leave the country, along with an interdiction prohibiting them from returning to the West Bank.

4. We were even apprised of cases where certain persons were escorted to the frontier, without hope of return; in particular, two Arab doctors were arrested and taken during the night to southern Lebanon by helicopter.

5. Travel between Jordan and Israel via the Allenby Bridge has been made difficult by the very fact that travelers must pay a high tax.

6. This measure hinders families separated by the frontier from seeing each other often enough, if they happen to lack the necessary financial means.

7. Visits abroad are encouraged if the person does not wish to return to the West Bank, but they are prohibited if the voyage is simply a round trip. This latter policy favors emigration by prohibiting contacts with the outside. We are aware of the case of a young student who obtained a permit to travel to the United States. To return to his homeland, he was required to make the trip back within a year, something he was unable to do. He was not allowed to rejoin his family.

CONCLUSION

Our inquiry leads one to the conclusion that the occupation of the West Bank has brought about repeated violation of the provisions of the Universal Declaration of Human Rights.

1. The numerous arbitrary arrests, prolonged cases of detention without legal supervision, and the deportations are flagrant violations of the provisions of Article 3 of the Declaration.

2. Cases of enforced residence, serious restrictions on border crossing, and prohibiting certain Palestinians from returning are all violations of the provisions of Article 13, which guarantees the right of free movement and of free

choice of residence and which stipulate in particular that "Everyone has the right to leave any country, including his own, and to return to his country."

3. The numerous violations of property rights, such as arbitrary expropriation, the prohibiting of construction, and the demolition of buildings are inconsistent with the provisions of Article 17 of the Declaration, which guarantees the right to property and stipulates that "No one shall be arbitrarily deprived of his property."

4. Torture is commonly and systematically practiced, in contradiction of the principles of law, and in particular Article 5 of the Universal Declaration.

5. The flagrant inequalities between Jews and Arabs in the West Bank are in contravention of Article 2, Paragraph 2, which stipulates that "no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

Finally, our delegation cannot but feel concern with respect to the right to a nationality, cited in Article 15 of the Declaration. In effect, the very state of an occupied territory results in the denial of a nationality to its inhabitant.

