

Israeli Practices and Human Rights In Occupied Arab Territories[†]

Foreign occupation is a grave breach of the principles of international law, as well as a violation of the purposes and principles of the Charter of the United Nations.

Foreign occupation is also an infringement on the fundamental rights and freedoms of the population of the territories under such occupation.

These all are accepted facts emanating from an unacceptable situation.

The Israeli occupation of Arab territories has been the root of a series of violations of the human rights and fundamental freedoms of the Arab people in general, and the population of Gaza, Sinai, and West Bank and the Golan Heights in particular.

The United Nations has, and very rightly so, concerned itself, since the aftermath of the 1967 Israeli aggression on the Arab people, and more specifically on Egypt, Syria and Jordan, with the safety, welfare, and security of the inhabitants of these territories.

As early as 14 June 1967, when the Security Council adopted Resolution 237, and as early as 4 July 1967, the General Assembly adopted its Resolution 2252 (ES-V) by which the United Nations asserted its role and competence to safeguard the inalienable rights of the population of the territories under Israeli occupation. The U.N. asserted this role "even during the vicissitudes of war" and consequently, called upon Israel "to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place."

However, as the foreign adventures of Israel and, in particular, its 1967 invasion of Arab territories, have ensured a prominent notorious place for

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[†]This position paper served as the basis for the Ambassador's presentation Dec. 4, 1972, to the U.N. Special Committee on Israeli Practices in occupied Arab territories of the 27th General Assembly. This article and the one by Mr. Grunis which immediately precedes it should be read together.

Israel as a constant challenger of international law and order, the Israeli practices in the occupied territories and vis-à-vis the Palestinian people, have ensured a prominent and notorious place for Israel as a major violator of human rights and fundamental freedoms.

In both cases, Israel, stubbornly and arrogantly disregarded all principles, all laws, all the post-Charter era standards, and continued unabated in its policies and practices, at the expense of the Arab people and their basic rights and freedoms.

Israel's history in this respect is a history of refusal to heed the principles of international law, refusal to carry out the provisions of the international humanitarian convention, rejection of the role of the U.N., negation of the standards of behaviour as laid down by the constant efforts of the succeeding generations to save humanity from the scourge of war and to reaffirm faith in fundamental human rights and freedoms.

The history of Israel in this respect is furthermore a history of repudiation of all rights, declination of all freedoms and disavowal of all but the Zionist proposals and "principles," if it is permitted to use such a word in such a context, because if Zionism has indeed established certain principles then they are principles of discrimination, of expansion, of world disorder and/or aggression.

The report of the Special Committee to Investigate Israeli Practices, reveals the true face of Israel and its attitude toward the International Community.

It is interesting to study the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the population of the occupied territories, and the introductory statement of the Chairman of the Special Committee.

The reports of the Red Cross and other international humanitarian organizations concerned, as well as the numerous press reports dealing with the situation in the occupied territories, reveal a lot.

All these reports reveal a policy on the part of Israel designed to effect radical changes in the physical character and demographic composition of the territories under its military occupation, by the progressive and systematic elimination of every vestige of Arab presence, especially the Palestinian, in these territories. Such policy would have the effect of obliterating Arab culture, and an Arab way of life in these areas and contrary to international law, transforming it into a Jewish culture, a Jewish way of life and finally, a Jewish state.

Measures taken in accordance with such policy include, in particular, the declared annexation of certain parts of the Arab territories, the establishment of settlements for Israeli or imported Jews in, for example, Jerusa-

lem, Hebron, Jordan Valley, the Golan Heights, Gaza, Sinai (north and south near Sharm El Sheikh), and the deportation of Arab people from their lands and homes. Such policy is destined to create *faits accompli*, and to render difficult any efforts to achieve a peaceful settlement of the problem of the Middle East.

A few examples of the Israeli measures in the occupied territories, are related below:

First: Annexation and Settlement

The Special Committee mentioned on page 16 of the English text of its report presented to the 27th session of the General Assembly, has reiterated its conviction that "it was the policy of the Government of Israel to annex and settle the occupied territories." That conviction was further strengthened by the evidence cited in Document A/8389/add. I, which included a statement by the Prime Minister of Israel who was quoted in the Israeli press on 10 October 1971, as having stated:

"Our borders are fixed by the people who live along them. If we retreat, the borders will retreat with us."

This statement, as is rightly said by the Special Committee, "is an unequivocal rejection of established and generally recognized principles of the Charter of the United Nations. It is also a definite repudiation of the fundamental obligations arising out of the Fourth Geneva Convention."

But, do we have really to cite examples to support the evidence concerning the Israeli policy of annexation and the establishment of Israeli settlements in the occupied Arab territories? Do we have indeed to quote what was mentioned in the reports of the Special Committee, or in the press reports or the reports of the Red Cross for that matter? A citation from the *Jerusalem Post* on the question of the establishment of settlements should suffice.

In Annex I of the report of the Special Committee (Doc. A/8828), a map published in the *Jerusalem Post* on 30 July 1972 shows settlements established since June 1967.

This map, as well as government pronouncements by high Israeli officials (as, for example, Minister without portfolio, Israel Galili, Chairman of the Ministerial Committee for the Settlement of the Occupied Territories), shows the actual situation in this respect. Mr. Galili stated before the Knesset of Israel, on 19 July 1972, that "the Government of Israel had put no area out of bounds to Jewish settlement. That settlement policy is not dictated by security, but by historical right as well if not more so."

The *Jerusalem Post* carried the report on Mr. Galili's statement, and gave a list of Jewish settlements that have been established since June 1967, as follows:

Gaza Strip and Sinai

Nahal Netzarim, Jahal Kfar Darom, Sadat, Dikla, Nahal Sinai, Nahal Yam, Neof Hakikar, Ein Hatzeva, Nahal Trofar, Nahal Katura, Nefiat, Di-Zahav, Ophira (Sharm El Sheikh) and Nahal Morag. (14 settlements in all)

West Bank

Mehola, Sergaman, Hamra, Nahal Massua, M'ale Efraim, Nahal Gilgal, Nahal Na'aran, Nahal Kaliya, Mtizpe Shalem, Kfer Etzion, Rosh Tzurim, Merkaz Alon Shvut, Mevo Horon, Kiryat Arba, Bik'on. (15 settlements in all)

Golan Heights

Ramat Shalom, Snir, Elrom, Merom Golan, Ein Zivan, Nahal Geshur, Ramat Magshimim, Nahal Al, Nahal Golan, Mevo Hama, Neof Golan, Giv'at Yoav, Merkaz Bnei Yehuda, Ginat, Ramot. (15 settlements in all)

The total through the Summer 1972 is 44 settlements.

The Israeli representatives could not challenge these facts, and merely resorted to their usual and threadbare arguments of attacking the procedures concerning the establishment of the Special Committee.

We cannot be oblivious to the gravity of the situation, regarding the establishment of Jewish settlements in the Arab territories, coupled with the officially declared intention to annex certain parts of the Arab lands, such as Jerusalem, and the effects of such practices on any eventual settlement of the problem existing in the Middle East. There is no shred of a doubt that the whole world is aware of the existence of such violations, which gravely contravene the provisions of the Fourth Geneva Convention.

Second: Violation of Human Rights

Such violation committed by Israel involves: *The transfer of population and expropriation of property.*

This practice cannot be taken in isolation from the first. Transfer and exportation of the Arab population is a logical consequence of the policy and practice of settling territories, and the moving in of the new Jewish immigrants. The practice of deportation and transfer of Arab people is

destined to prepare the grounds to provide the place for the incoming Jews. The Red Cross has, in fact, referred explicitly to the question of the transfer of population in its annual report of 1971.

In fact, the measures taken under this plan of changing the demographic structure of the occupied territories are of three-dimensional character, all of which are contrary to the provisions of the Geneva Convention of 12 August 1949:

1. Deportation of Arab population to areas outside the occupied territories;
2. The transfer or uprooting of people to other places within these territories;
3. Expropriation of property.

As for the first type, that is, the forcible deportation of peoples from the occupied territories to places outside these areas, the findings of the Special Committee in the reports it submitted to the General Assembly as well as many other organizations concerned, confirm that in several areas, particularly in the Golan Heights and in the West Bank, "whole village populations were forcibly expelled by Israeli forces and have not been allowed to return." In this respect, the following passage from the 1971 report of ICRC is pertinent:

"The ICRC approached the Israeli authorities several times with a view to stopping expulsions which it regarded as being contrary to Article 49 of the Fourth Convention. In a communication addressed to the Prime Minister of Israel at the end of February, the President of ICRC expressed the ICRC's concern regarding the dire consequences for the persons stricken by such measures against which appeal was not possible and which provided for no time limit."

During the month of January, 1972, more than ten transient Egyptian citizens inhabiting Sinai have forcibly been deported or transferred from their homes and villages. The ICRC has intervened with the occupation authorities, but to no avail.

As for the second type, that is, the transfer and uprooting of people, only two examples need be cited:

A) The annual report of the Red Cross for 1971 (Geneva 1972) referred to the case of a Bedouin tribe which was totally uprooted from their lands. In December, the ICRC delegation intervened on behalf of a Bedouin tribe of about 260 persons, whom the Israeli authorities had compelled to leave their lands near the Dead Sea, and to settle in the Bethlehem district. As a result of the transfer, those people were deprived of their lands and their livelihood. The place where they found themselves did not belong to them, and their flocks could not graze there.

The result of such intervention was not yet reported by the Red Cross, but the fact remains that the uprooting and transfer did occur in violation of the provisions of the Fourth Geneva Convention in 1949.

B) In the occupied territory of Sinai, the Israeli occupation authorities have embarked upon the following measures of forcible transfer of Arab inhabitants:

North of Sinai:

The region situated in the triangle of Masoura-Beer Shaba-Ouga.

This region, about 20 square kilometers, is totally encircled with barbed wire. Three days after transfer of the people living there and lawfully owning the property, the Israeli army of occupation destroyed all houses and water tanks. Since 24 February 1972, the expelled inhabitants have been permitted to return under two conditions:

- That they will not spend the nights there;
- That they will not build any shelters there.

The region situated between the locality of Sheikh Zweid—the road between El Arish/Al Masoura and the Sea. Barbed wire is interposed between Masoura and the Sea. This zone—100 square km—has been isolated and closed between the sea (to the north), two agricultural Jewish settlements recently established (to the west), the above-mentioned area (to the south) and Rafah (to the east). During the day, the displaced inhabitants are authorized to work in this zone, but under two conditions:

- That they will not spend the nights there;
- That they will not built any shelters there.

Centre of Sinai:

Another operation of evacuation and transfer of the population took place recently in the following regions:

- The triangle between Beer Lahfan—Beer El Ihsan and El Kuseina.
- The triangle between Nekhel, Beer El Hassana and Sader.

These two operations involved about 6000 persons, and they have received warnings from the occupied authorities not to return to their lands. These acts of forcible transfer of populations have been mentioned in the ICRC annual report of 1971 (published this year). They are cited in paragraphs 40, 41, 47 and 52 of the Red Cross report.

As for the third type of this tri-dimensional act committed against the Arab population of the territories occupied by Israel, that is, the expropriations, the annual report of ICRC stated (at page 80) that:

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

This is the situation concerning deportation, expropriation and uprooting of the Arab people by Israel and as presented by the ICRC itself.

The third major component of the Israeli policy is an effort to create *faits accomplis* in order, in their opinion, to affect the future of these areas in a manner compatible with the Zionist designs, that is, the demolition of houses and destruction of villages.

It has become a fact that emanated from, and supported by, the various reports of the U.N. committees and international humanitarian organizations concerned, that total destruction of many villages has taken place. Yalu, Imwas, Beit Nuba are but names of destroyed villages, after the cease-fire as reported by the Special Working Group of Experts, established by the Commission of Human Rights to investigate Israel's practices (this group consists of six independent experts from Austria, Peru, India, Senegal, Tanzania and Yugoslavia). Deir El Bteha, Massa Kiah, Hafar, Deir Bahia, Saiyada, as well as the village of Halhoul, have been totally destroyed also after the cease-fire.

According to the *Times* of London, two years of occupation (1967- 1969) have resulted in the destruction of more than seven thousand houses. The reasons for such massive demolition and the consequent departure of the inhabitants were, and still are, *inter-alia* but in particular to effect a massive change in the demographic character and the physical structure of the occupied territories, and to pave the way for the new immigrants and the new Jewish settlements.

The list is by no means exhausted. No further discussion is necessary of the manifold evidence we have before us, supported by the reports of ICRC. Treatment—administrative detention, economic exploitation are all matters of record.

Two additional points deserve mention.

The *first* is the analysis, or cumulative effect of, the measures referred to above, namely, the annexation, establishment of settlements, deportation and transfer of populations and the destruction of thousands of houses including the total demolition of villages.

To analyze this situation, these measures may be thus redeployed:

They should start by a plan to annex a certain area of the occupied territory.

To annex such an area, one needs first to evict its original population, (To evict its original population, Israel resorts to both material and psychological measures. The first consists of orders of deportation and transfer of population, expropriation of property, and demolition of houses and villages. The psychological measures mainly consist of the demolition of houses and villages, so that the inhabitants will nourish no hope in staying or ever returning to what once *was* there place.)

So deportation, transfer, expropriation and demolition are but parts of the Zionist designs to settle and annex the occupied territories.

Cogent is the warning by the Special Committee in Paragraph 74 of its report, when it said that it is obliged to express the conviction that "irrespective of the intentions of the occupying power, the practices and policies referred to must be necessary, result in the International Community being faced with a *fait accompli*, or, in other words a situation which could be irreversible.

This situation would be the incorporation of the occupied territories in, or their annexation to, the State of Israel. Examples of social and political measures are the establishment of settlements, transfer of population, expropriation of property, demolition of houses, deportation of the denial of the right to return as they produce radical changes in the physical character and demographic composition of the occupied territories.

Examples of economic measures are the actual state of farming in the West Bank. As the economist of 18 March 1972 has said: "Farming is feeling the draught because of the land lost to Israel and the loss of Labour." Loss of Labour is attributed to (a) wars, forcible transfer or deportation of Arab population, (b) the mass arrests and detentions of Arab people, and (c) the forced labour imposed on the Arab workers by Israel.

This *fait accompli* strategy is a serious matter for the General Assembly to consider and deal with.

The *second final point* deals with the threadbare Israeli argument of the so-called "security reasons" which Israel so often invokes, in order to justify its violations of the principles and provisions of International law, and the basic principles of human rights. Thus, the Government of Israel has invoked reasons of security in vindication of:

- (a) Expulsion of persons from the occupied territories;
- (b) Transfer of several thousand persons from their homes to other parts of the occupied territory;
- (c) Expropriation of property belonging to the Arab population;
- (d) Establishment of Israeli settlements in the occupied territories and the transfer of Israeli nationals to these settlements;
- (e) Demolition of houses and villages;
- (f) Denial of the right to return these territories to the Arabs, their owners and the inhabitants thereof.

It is abundantly clear to the Special Committee that a provision of international law, which was designed to be used in exceptional circumstances and under pressure of urgent necessity, has been used indiscriminately, and has been arbitrarily converted by Israel into a rule of

conduct or definite policy. The Special Committee finds such conduct a negation of the very letter and spirit of the fourth Geneva Convention, as formulated in the Commentary on this Convention, which states that the Convention:

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

The civilian population has certain inalienable rights from which there can be no derogation. In addition, the fourth Geneva Convention, whose *raison d'être* is the protection of civilian persons in occupied territory, allows only certain security measures to be taken by the Occupying Power under conditions that are specified in that Convention. The Special Committee recognizes the importance of security considerations, but these can only be invoked in strict accordance with the applicable rules, which are clearly enunciated in the Convention and should be without prejudice to the safety and well-being of the civilian population.

Security reasons, even if they were true, which is not the case, do not warrant the commission by Israel of war crimes or crimes against humanity, against the Arab people of the occupied Arab lands. The acts committed by Israel in the occupied territories, and to which reference is made above in this statement, prominently mass deportation, mass destruction, plunder of public and private property are all considered by Article 147 of the fourth Geneva Convention as grave breaches of the Convention.

These same crimes were considered war crimes by the Nuremberg Charter. They were declared such by the Nuremberg Tribunal, because of what happened against the European peoples and cities after World War II. They were also considered such—war crimes—by the U.N. because of what happened in the occupied territories. Resolution 3 (XXVIII) of the Commission on Human Rights is more than specific on this point.

Egypt views with extreme gravity, the situation which exists today in the occupied territories. We have had before us ample evidence on what is going on. Article 147 of the Geneva Convention has been invoked, grave breaches of this international humanitarian convention have been committed. The Special Committee which the General Assembly established years ago, has reported to us since, through sessions about the annexation, the establishment of Israeli settlements in the occupied Arab lands,

about the mass deportation and transfer, the wanton destruction of cities, towns or villages. These findings have been corroborated and supported by the reports of the Red Cross.

The time has come for the world community to act and to act quickly if we are truly to serve the principles of the Charter, and help the cause of a just peace in the Middle East.