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Fifty-first session
Agenda item 85**REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI
PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN
PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES****Note by the Secretary-General**

1. The Secretary-General has the honour to transmit to the members of the General Assembly the twenty-eighth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted to him in accordance with paragraphs 5, 6 and 7 of Assembly resolution 50/29 A of 6 December 1995. The present report should be considered together with the Special Committee's periodic reports contained in documents A/51/99 and A/51/99/Add.1, which were transmitted to the members of the Assembly on 29 February and 30 June 1996 respectively.

2. The present report contains a summary of articles and reports received during the period covered by the present document. In preparing the report, the newspapers mentioned below have been taken into account. Reference to reports appearing in the Arab press published in the occupied territories is made when they contain relevant material not found in the Israeli newspapers listed below. The terminology used in the report is that found in the original version of the summarized newspaper reports.

<u>Israeli press</u>	<u>Ha'aretz</u>	(Hebrew language daily)
<u>Jerusalem Post</u>		(English language daily)
<u>Arab press published in the occupied territories</u>	<u>Al-Tali'ah</u>	(Arabic language daily)
<u>The Jerusalem Times</u>		(English language daily)

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LETTER OF TRANSMITTAL

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has the honour to transmit herewith its twenty-eighth report, prepared in accordance with General Assembly resolution 2443 (XXIII) of 19 December 1968, by which the Special Committee was established, and resolution 50/29 A of 6 December 1995, the latest resolution by which the General Assembly renewed its mandate.

The present report covers the period from 18 August 1995, the date of the adoption of the twenty-seventh report of the Special Committee, to 20 September 1996. The report is based on written information gathered from various sources, in particular Israeli press reports and articles appearing in the Arab press published in the occupied territories. It also includes oral information received by the Special Committee through testimonies of persons having first-hand experience of the human rights situation in the occupied territories. Written information concerning the period from 19 August to 31 December 1995 is reflected in the periodic report the Special Committee presented to you on 29 February 1996 (A/51/99). Written information concerning the period from 1 January to 31 March 1996 is reflected in the periodic report the Special Committee presented to you on 30 June 1996 (A/51/99/Add.1). These periodic reports have been submitted in accordance with paragraph 6 of General Assembly resolution 50/29 A, in which the Assembly requested the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory.

For the purpose of collecting oral testimonies the Special Committee again organized hearings that were held at Cairo, Amman and Damascus. The Special Committee continued to monitor statements by members of the Government of Israel reflecting the policies of that Government in the occupied territories and reports on measures taken to implement them. The Special Committee further noted the letters addressed to you during the period of the present report relating to its mandate and circulated as documents of the General Assembly, and received information from Governments, organizations and individuals on various aspects of the situation in the occupied territories.

In carrying out its mandate, the Special Committee benefited from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic and from the cooperation of Palestinian representatives. However, the Government of Israel has continued to withhold its cooperation and has not responded to communications addressed to it in this regard.

In preparing its report the Special Committee has attempted to put before you a composite picture of the realities in the occupied territories as they affect the human rights of the civilian population. By the present letter the Special Committee wishes to draw your attention to a number of aspects that deserve particular mention.

The period covered by the Special Committee's twenty-eighth report follows the signing at Washington, D.C., on 28 September 1995 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) and the elections for the Palestinian Council and chairmanship of the Palestinian Authority on 21 January 1996. These historic events were preceded by the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993 and by the signing at Cairo on 4 May 1994 of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area. The signing of the Oslo agreements gave rise to great expectation of the international community that a new era of peace, security and hope would be ushered in for the people of the Middle East, enabling them to live in harmony, dignity and mutual respect. This is the spirit in which the Special Committee has approached its responsibility in carrying out its mandate.

The information contained in the twenty-eighth report of the Special Committee shows that the situation of human rights in the occupied territories has deteriorated remarkably since the beginning of the peace process, contrary to expectations.

By far the most serious aspect of the current situation of human rights in the occupied territories is

the significant deterioration in the economic and social conditions stemming from the virtually hermetic closure that was imposed on the occupied territories on 25 February 1996. The closure, which was imposed in the wake of four suicide bomb attacks in Israel in which a total of 63 persons was killed and numerous others wounded, has had particularly adverse consequences on the well-being of the inhabitants of the Gaza Strip. Since both imports and exports were severely curtailed, both agriculture and industry were negatively affected and numerous businesses were closed. Shortages of foodstuffs, medicines and medical supplies as well as building and other raw materials were reported. Economic activity in Gaza is said to have come to a practical standstill. The closure has had particularly harsh consequences for Palestinian workers employed in Israel and their families since it has deprived them of their livelihood. It is believed that Palestinians have been replaced in Israel by some 100,000 licensed and an estimated 100,000 illegal foreign workers.

The closure has severely restricted the freedom of movement throughout the occupied territories, as well as between their parts and Israel. For the first time, an internal closure blocked the movement of the inhabitants of 465 localities in the West Bank. The restrictions imposed on the freedom of movement have had particularly disastrous consequences on health. At least 10 persons requiring emergency medical treatment in well equipped medical facilities in Israel, East Jerusalem or other parts of the West Bank died as a result of unnecessary delays or for not being allowed to cross Israeli security checkpoints. Shortages of vital medical supplies such as oxygen, antibiotics, sterile water and vaccines have been reported. The inhabitants of the Gaza Strip were the worst affected by the measures curtailing the freedom of movement.

The closure has also affected students from Gaza studying in educational institutions in the West Bank. In implementation of a new Israeli policy, students from Gaza were expelled from the West Bank and have lost an academic year. Student dormitories were raided at night on 28 March 1996 and several hundred students were arrested and beaten. Upon release, students from Gaza were humiliated by having a sign "To be shipped to Gaza" pinned to their backs. It is estimated that 10 per cent of the student body at Bir Zeit University were expelled after the raid. Students from Gaza have so far not resumed their studies. The restriction on the freedom of movement has also had a negative effect on both Muslim and Christian worshippers in the occupied territories who were unable to gain access to certain holy sites.

The Special Committee has been monitoring closely the situation of Palestinian prisoners detained in prisons and other detention facilities in Israel, in contravention of international humanitarian law. The conditions of detention are reported to have deteriorated further. Overcrowding, bad food and the persistent lack of medical care were cited among the prisoners' complaints. After the suicide bombings, large numbers of arrests have been reported throughout the occupied territories and many of the persons arrested are said to have been placed in administrative detention. In addition, it has been alleged that numerous villages and mosques were raided and that close family members and relatives of persons alleged to have been involved in violent activities against Israel as well as persons affiliated with certain political parties have also been arrested. A number of educational, social and charitable organizations in the West Bank were closed. The Special Committee has been informed that the exceptional dispensation given to General Security Service (GSS) interrogators to exercise physical and psychological pressure, including violent shaking, of detainees has been continuously extended every three months since October 1994.

As a result of the restrictions imposed on the freedom of movement, and given that they are all detained in Israel, it has been reported that Palestinian detainees have not been able to receive family visits and meet with their lawyers. In addition, the Special Committee was informed that large numbers of Palestinian minors are detained in Israeli prison facilities under the same conditions as adults. Although some 2,000 prisoners were released in October 1995 and January 1996 following the signing of the Oslo II Agreement, the number of Palestinian prisoners in Israeli detention facilities remained high and has increased after the recent wave of arrests.

The Israeli authorities demolished nine and sealed a number of houses belonging to the families of

the persons involved in the carrying out of the recent violent acts in Israel. Curfews were imposed on numerous localities. A particularly strict curfew was imposed on the Fawwar refugee camp near Hebron from which two of the perpetrators of suicide attacks allegedly originated and severe food shortages were reported. As concerns house demolitions in general, houses built without a licence have continued to be demolished throughout the occupied territories. In August 1996, a Palestinian social institution was demolished, for the first time in the Old City of Jerusalem. However, applications for building licences have been consistently denied to Palestinians.

One of the continuous and most serious sources of tension in the occupied territories has been the existence and unabated expansion of Israeli settlements in the occupied territories. The policy of the present Government of Israel, which has decided to lift the freeze regarding the building of new settlements as well as the measures already taken with regard to settlement expansion, gives rise for particular concern. Large areas of Arab-owned land have continued to be confiscated since the beginning of the peace process, both for the expansion of settlements and for quarries and the building of bypass roads. The situation is reported to be particularly serious around Jerusalem. The Special Committee has been alerted once again to the precarious situation of the Jahalin Bedouin tribe, which faces forcible eviction from land located in the vicinity of the Maaleh Adumim settlement, with a view to its expansion. Violent incidents between the Palestinian population and Israeli settlers have continued, in particular in Hebron and Jerusalem.

During its visit to the Syrian Arab Republic, the Special Committee visited the province of Quneitra where it observed the destruction caused by Israelis in the town of Quneitra. It heard the testimony of witnesses originating from the occupied Syrian Arab Golan, some of whom were able to go the Syrian Arab Republic while others can communicate with their families across the demarcation line in the Golan only by megaphone. The witnesses informed the Special Committee that the expression of nationalist sentiment by the inhabitants of the occupied Syrian Arab Golan continued to be severely punished and their freedom of movement curtailed. The witnesses also spoke about the continued confiscation of land and water resources, the inadequate educational and health facilities, as well as about the economic difficulties facing the Arab population.

The Special Committee has endeavoured, within the constraints imposed on it, to provide in its periodic reports (A/51/99 and A/51/99/Add.1) and in the present twenty-eighth report a clear picture of the situation of human rights in the occupied territories. The hopes and expectations that have been expressed over the past three years by the population of the occupied territories since the signing of the Oslo agreements have given way to frustration and despair among the overwhelming majority of the inhabitants. It should be recalled that in spite of the agreements cited above, the status of occupation continues. Israel should, therefore, abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other relevant international instruments and fully comply with all universally accepted standards of human rights, in the true spirit of peace.

The Special Committee has once again made a number of recommendations at the end of its report. In addition to those of a general nature, the Special Committee has appealed to Israel to act in conformity with the spirit animating the peace process by giving serious consideration to a number of concrete measures (see conclusions and recommendations).

In conclusion, the Special Committee has observed a general sense of disappointment and despondency in the face of the continuing violations of the human rights of the people in the occupied territories. It would appear that even in the areas where there had been a transfer of limited authorities to the Palestinian Authority and the Palestinian Council, in view of the impediments placed by Israelis, there had not only not been an improvement in the lot of the Palestinians but an actual deterioration, which has increased their suffering. Unless there is a serious effort to maintain the momentum of the peace process and a commitment to implement the peace agreement on both sides, the important achievements accomplished so far would be lost and the situation of human rights in the occupied territories would deteriorate further and increase the frustration and despair of

their inhabitants. All the parties concerned must work together to maintain the momentum and spirit of the peace process that would be conducive to a just, lasting and comprehensive peace in the region and the establishment of a genuine culture of human rights for all its inhabitants. The continuation of the progress in the peace process must be accompanied with full compliance with all relevant United Nations resolutions and all universally accepted standards of human rights.

Accept, Sir, the assurances of my highest consideration.

(Signed) Herman Leonard de SILVA
Chairman of the Special
Committee to Investigate Israeli
Practices Affecting the
Human Rights of the Palestinian
People and Other Arabs of
the Occupied Territories

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

I. INTRODUCTION

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968. By that resolution, the Assembly decided to establish the Special Committee, composed of three Member States; requested the President of the Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, to cooperate with it and to facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter; and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

2. The Special Committee is composed as follows: Mr. Herman Leonard de Silva, Ambassador, Permanent Representative of Sri Lanka to the United Nations, Chairman; Mrs. Absa Claude Diallo, Ambassador, Permanent Representative of Senegal to the United Nations Office at Geneva; and Dato' Abdul Majid Mohamed (Malaysia).

3. Since October 1970, the Special Committee has submitted 27 reports. 1/ These reports were discussed in the Special Political Committee, which then reported to the General Assembly. 2/ On the recommendation of the Special Political Committee, the Assembly adopted resolutions 2727 (XXV) of 15 December 1970, 2851 (XXVI) of 20 December 1971, 3005 (XXVII) of 15 December 1972, 3092 A and B (XXVIII) of 7 December 1973, 3240 A to C (XXIX) of 29 November 1974, 3525 A to D (XXX) of 15 December 1975, 31/106 A to D of 16 December 1976, 32/91 A to C of 13 December 1977, 33/113 A to C of 18 December 1978, 34/90 A to C of 12 December 1979, 35/122 A to F of 11 December 1980, 36/147 A to G of 16 December 1981, 37/88 A to G of 10 December 1982, 38/79 A to H of 15 December 1983, 39/95 A to H of 14 December 1984, 40/161 A to G of 16 December 1985, 41/63 A to G of 3 December 1986, 42/160 A to G of 8 December 1987, 43/58 A to G of 6 December 1988, 44/48 A to G of 8 December 1989, 45/74 A to G of 11 December 1990,

46/47 A to G of 9 December 1991, 47/70 A to G of 14 December 1992, 48/41 A to D of 10 December 1993, 49/36 A to D of 9 December 1994 and 50/29 A to D of 6 December 1995.

4. The present report has been prepared in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII), 3240 A and C (XXIX), 3525 A and C (XXX), 31/106 C and D, 32/91 B and C, 33/113 C, 34/90 A to C, 35/122 C, 36/147 C, 37/88 C, 38/79 D, 39/95 D, 40/161 D, 41/63 D, 42/160 D, 43/58 A, 44/48 A, 45/74 A, 46/47 A, 47/70 A, 48/41 A, 49/36 A and 50/29 A.

II. ORGANIZATION OF WORK

5. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General. 3/

6. In its resolution 50/29 A, the General Assembly:

"5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;

"7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

7. Mrs. Absa Claude Diallo replaced Mr. Ibra Déguène Ka as the representative of Senegal on the Special Committee as at 6 June 1996.

8. The Special Committee held the first of its series of meetings from 28 to 29 February 1996 at Geneva. The activities of the Special Committee during those meetings are reflected in document A/51/99 (paras. 2-6).

9. The Governments of Egypt, Jordan and the Syrian Arab Republic as well as the Observer for Palestine subsequently responded to the Special Committee's request for cooperation (see A/51/99 (para. 4)), reconfirming their readiness to continue cooperating with the Special Committee. As in the past, the Government of Israel did not respond to the request for cooperation of the Special Committee.

10. The Special Committee held a second series of meetings at Geneva (20 June 1996), Cairo (22-23 June 1996), Amman (25-27 June 1996) and Damascus (28-30 June 1996). At those meetings, the Committee examined information on developments occurring in the occupied territories between January and March 1996. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate. At Cairo, Amman and Damascus the Special Committee heard the testimonies of persons who had just returned from or were living in the Gaza Strip, the West Bank and the occupied Syrian Arab Golan and concerning the situation in those territories.

11. At Cairo, the Special Committee was received at the Ministry of Foreign Affairs by Mrs. Naila Gabr, the head of the Human Rights Department. It also met with Mr. Isham Shokeir, the deputy head of the Department for Palestinian Affairs. In addition, the Committee visited the Palestine Red Crescent Hospital where it heard the testimony of several patients, residents of the territories. While at Cairo, the Committee also had the opportunity to hear witnesses from the West Bank and Gaza.

12. At Amman, the Special Committee was received by the Director-General of the Department of Palestinian Affairs of the Ministry for Foreign Affairs, Mr. Ibrahim Tarshihi, and was informed about the most recent developments in the occupied territories. During its stay at Amman, the Committee also met with the Under-Secretary in the Department for Social Affairs of the Palestinian Authority, Mr. Thiab Ayyoush, and with Mr. Zuhair Sandouqa, the Director of the International Parliamentary Relations Department of the Palestinian National Council, and other representatives of the Palestinian National Council. While in Jordan, the Committee visited the King Hussein Bridge, where it heard the testimony of Palestinians who had just crossed over from the West Bank.

13. At Damascus, the Special Committee was received by the Minister of State for Foreign Affairs, Mr. Nasser Kaddour. It also met with Mr. Taher Al-Husami, Director of the International Organizations Department, and Mr. Bashar Jaafari, International Organizations Department, Ministry of Foreign Affairs, and was presented with a report concerning the human rights situation in the occupied Syrian Arab Golan. During its stay in the Syrian Arab Republic, the Committee visited Quneitra province, bordering the occupied Syrian Arab Golan, where it heard the testimony of a number of witnesses. It met with the Governor of Quneitra and other high-ranking officials of the province and was presented with the Quneitra province report about the Israeli violations of human rights in the occupied Syrian Golan for 1996.

14. The Special Committee examined and completed a periodic report (A/51/99/Add.1) updating information contained in its previous periodic report (A/51/99). It decided that any further information and evidence relevant to its mandate would be reflected, together with its conclusions, in the present report.

15. On 30 June 1996, the Chairman of the Special Committee transmitted to the Secretary-General its periodic report covering the period from 1 January to 31 March 1996 (A/51/99/Add.1). That report was based on written information gathered from various sources among which the Special Committee had selected relevant excerpts and summaries, which were reflected in the report.

16. The Special Committee met again at Geneva from 16 to 20 September 1996. At those meetings, the Committee examined information on developments occurring in the occupied territories from April to September 1996. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate, as well as records of testimonies collected during its previous series of meetings. It examined and completed the present report on 20 September 1996.

III. MANDATE

17. The General Assembly, in its resolution 2443 (XXIII), entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

18. In its resolution 44/48 A, the General Assembly decided to change the name of the Special Committee to "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

19. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the

occupied territories.

20. In interpreting its mandate, the Special Committee determined that:

(a) The territories to be considered as occupied territories referred to the areas under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements. The areas of Egyptian territory under Israeli military occupation were further modified in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, which was signed on 26 March 1979 and came into force on 25 April 1979. On 25 April 1982, the Egyptian territory remaining under Israeli military occupation was restituted to the Government of Egypt in accordance with the provisions of the aforementioned agreement. Thus, for the purposes of the present report, the territories to be considered as occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally a resident in the areas that were under occupation but who had left those areas because of the hostilities. However, the Committee noted that resolution 2443 (XXIII) referred to the "population" without any qualification as to any segment of the inhabitants of the occupied territories;

(c) The "human rights" of the population of the occupied territories consisted of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee was also required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories, and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that came within the scope of investigation by the Special Committee referred, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" referred to those actions which, irrespective of whether or not they were in implementation of a policy, reflected a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

The geographical names as well as the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

21. Since its inception the Special Committee has relied on the following international instruments in interpreting and carrying out its mandate:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights;

(c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; 4/

- (d) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949; 5/
- (e) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954; 6/
- (f) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land; 7/
- (g) The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. 8/

22. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights, as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

IV. INFORMATION AND EVIDENCE RECEIVED BY THE SPECIAL COMMITTEE

23. In the course of carrying out its mandate, the Special Committee has relied on the following sources:

- (a) The testimony of persons with first-hand knowledge of the situation of the population in the occupied territories;
- (b) Reports in the Israeli press, including of pronouncements by responsible persons in the Government of Israel;
- (c) Reports appearing in other news media, including the Arab language press published in the occupied territories, in Israel and the international press.

24. The Special Committee also received written statements from the Governments of Jordan and the Syrian Arab Republic, as well as from the Palestinian Authority and Palestinian National Council. No communications were received from the Government of Egypt during the current reporting period.

25. The Government of Jordan provided the Special Committee on 26 June 1996 with a summary of Israeli violations of human rights submitted by the Department of Palestinian Affairs at the Ministry of Foreign Affairs. The report indicated, inter alia, that:

"In spite of progress achieved in the peace process at the Israeli-Palestinian level and in spite of the Israeli army's withdrawal from most of the towns, villages and camps in the West Bank last December, the Palestinians living in most of the areas under the Palestinian National Authority are suffering from a series of collective punishments imposed by the Israeli authorities."

The report focused on the policy of closure, mass arrests, administrative detention, martyrs, demolition of houses, confiscation of land and the construction of settlement roads. Regarding closures, the report stated:

"In 1996, the extent of the closures was expanded since the areas under the Palestinian National Authority were regarded as closed military zones and their inhabitants were prevented from leaving their towns, villages and camps."

With regard to arrests, the report indicated, inter alia, that:

"Israeli forces carried out a number of search operations affecting dozens of towns, villages and camps in the West Bank under various pretexts, including the search for 'wanted' young Palestinians or the need to 'discipline the population' of areas from which operations against Israeli targets were launched."

The report also stated:

"Since the Israeli army's withdrawal from the areas under the Palestinian National Authority, the Israeli authorities have been arresting Palestinians at the borders and crossing points and sending them for trial before Israeli military courts."

As concerns the situation of detainees, the report indicated, inter alia, that:

"Of the estimated 8,000 detainees in Israeli prisons, about 5,000 were detained after the suicide operations that were carried out in Israel in February 1996. On 14 January 1996, the Israeli Supreme Court authorized, for the first time, the use of physical violence and the method of 'severe shaking' during the interrogation of Palestinian detainees."

In addition, the report indicated that:

"In the first half of the present year, the Israeli authorities confiscated 20,573 dunums of land, in addition to other unspecified areas of land, in the West Bank."

And that:

"In the first half of 1996, the Israeli authorities confiscated large unspecified areas of land in the West Bank for the construction of 15 settlement roads. So far, bypass roads have been constructed in the areas of Jericho, Nablus, Jenin, Ramallah, Tulkarm, Bethlehem and Hebron."

26. The Government of the Syrian Arab Republic has provided the Special Committee with a report prepared by the International Organizations Department of the Ministry of Foreign Affairs, which deals in particular with Israeli practices in the occupied Syrian Arab Golan. The report indicated, inter alia, that:

"Day after day, life is becoming harder and more miserable for the Arabs of the Golan as a result of acts of repression and persecution suffered at the hands of Israeli occupation authorities. Such acts include a ban on individual and public freedoms along with acts of injustice as well as actions that are degrading to human dignity. Long and short prison sentences are meted out arbitrarily to anyone who dares to protest against acts of repression or persecution directed against him."

The report indicated further that:

"The Israeli Military Governor has the authority to impose regional curfew whenever he

deems necessary for any reasons and for any period of time. He can also place whomever he wants under house arrest and order the arrest of whomever he suspects. Other repressive measures include excessive beatings, opening fire with live ammunition on demonstrators, storming houses and schools and the detention of citizens for the most trivial of reasons. Such practices have become part of the horrific daily reality of the life of the people in the occupied Syrian Golan ever since the aggression of June 1967. In the years between then and 1995, a total of 1,300 Syrian citizens, that is 10 per cent of the population, were detained and charged with resisting the occupation."

In addition, the report stated that:

"Other human rights violations by Israeli occupation authorities in the occupied Syrian Golan include the imposition of excessively cruel punishments and long prison sentences on Syrian Arab citizens opposed to occupation. At the time of preparing this report, i.e. on 30 May 1996, there were 14 Syrians serving long-term prison sentences of up to 37 years. Some of these young men were arrested as far back as 1985."

Besides detailed information about prisoners and conditions of detention, the report also contained information, inter alia, about the administration of justice in the occupied Syrian Golan, the economic pressures to which the population is subjected by the Israeli occupation authorities, and about practices causing environmental degradation. The report concluded that:

"The overview of the situation of human rights in the occupied Syrian Golan, which this report has attempted to give, is based on the latest and most reliable information on the subject. It leads us to conclude that the human rights situation prevailing in the occupied Syrian Golan during the review period was grave."

The Governor of Quneitra province also provided the Special Committee with a report about the Israeli violations of human rights in the occupied Syrian Golan for 1996. The report indicated, inter alia, that:

"The inhuman Israeli practices include the various material, political, cultural and social situations of the Arab citizens in the occupied region of the Syrian Arab Golan, not to mention the continuity of settlement policy, advancing to the Arab territories, destruction of building, theft of antiquities, investment and seizure of lands, natural resources and water sources."

The report also stated that the occupation authorities were still preventing the visits of the families and relatives of their homeland, Syria, that as per the data of the Israeli settlement department (published on 22 December 1994) the settlers of the Golan, who are Israeli, increased during the above year about 10 per cent, which means an increase of about 1,500 settlers. In addition, the report focused on the economic pressures on the population and stated that the only room of work for Golan workers, which was known as "Black Work", was hard labour such as cleaning works and building works and so on, and dwelt on the situation regarding education and health. The report indicated that:

"The situations of the Syrian Arab citizens in the Golan under the Israeli occupation are a daily continuous suffering as a result of the inhuman practices done by the occupation authorities by violating the simplest principles of right, justice and violation of human rights."

27. The Special Committee also received documents submitted in Jordan by the representatives of the Palestinian Authority and the Palestinian National Council. Among these documents, mention can be made of the reports by the Ministry of Transportation of the Palestinian Authority containing a survey of Israeli settlements in the West Bank and Gaza Strip, and of the report by the Ministry of Health of the Palestinian Authority on the Palestinian Health Status entitled "Annual Report 1995 Palestine". The report deals with the issues of demography, mortality measures, primary health care, secondary health care, health manpower, human resource development, research and projects. The Special Committee also received a report dated 14 March 1996 by the Ministry of Health of the Palestinian Authority in Nablus entitled "The Consequences of the Closure on Access to Essential Health Services in Palestine". The report was published on the eleventh day of the "continuous total closure imposed by the Israeli Authorities" on Palestinian cities, towns and villages. According to the report:

"The closure entails: confinement of all Palestinians each to his/her place of living and denial of exit from it. Including denial of access to essential medical services and to food supplies; Denial of all Palestinians access to Israel, including access to essential medical services not available in Palestine as a result of the 28 years of occupation; Denial of all Palestinians access to travel abroad irrespective of the purpose; A standstill of all trade and business activity between the different towns and villages; and Loss of sources of living for several hundreds of workers."

The representative of the Palestinian National Council submitted a report on land confiscation, settlements and Israeli practices that prevent Palestinians from exercising their legitimate rights. The report contains, *inter alia*, information on the plan of the Israeli authorities to "Judaize" Jerusalem, the economic situation in the City, provocative acts by settlers, restrictions imposed on the freedom of movement between the Gaza Strip and the West Bank of the members of the Palestinian National Council as well as on the situation of detainees.

28. In addition, the Special Committee received written information from intergovernmental organizations such as relevant specialized agencies, United Nations organs and regional organizations, as well as non-governmental organizations, individuals and Governments on the situation in the occupied territories. At its meetings, the Committee had before it communications referred to it by the Secretary-General from sources outside and inside the occupied territories. Where necessary, the Committee has followed up information contained in those communications.

29. The Special Committee undertook a series of hearings at Cairo, Amman and Damascus during its meetings from 22 to 30 June 1996. At those meetings, the Special Committee heard the testimony of 26 persons having first-hand knowledge of the human rights situation existing in the occupied territories. Those testimonies are contained in documents and are reflected in the present report.

30. The Special Committee has taken particular care to rely on information appearing in the Israeli press that has not been contradicted by the Government of Israel.

31. The following paragraphs contain a summary of the information examined by the Special Committee divided as follows:

- (a) General situation;
- (b) Administration of justice, including the right to a fair trial;
- (c) Treatment of civilians;
- (d) Treatment of detainees;

(e) Annexation and settlement;

(f) Information concerning the occupied Syrian Arab Golan.

32. This information has been divided into oral evidence and written information. In order to comply with restrictions on the volume of documentation now enjoined upon United Nations reports, the Special Committee has endeavoured to present the information in the most compact and concise form possible. Oral evidence, for which a full record of testimonies is available in documents A/AC.145/RT.690-691 and Add.1, A/AC.145/RT.692-695 and Add.1, A/AC.145/RT.696-697 and Add.1, A/AC.145/RT.698 and A/AC.145/RT.701, has been condensed to a general indication of the contents of such records. The report also attempts to summarize written information. That information is reflected in more detail in documents of the Special Committee, which are available on file in the Secretariat.

A. General situation

1. General developments and policy statements

33. The Director-General of the Addameer Prisoners' Support Association from the Gaza Strip described the current situation in the Palestinian territories in the following manner:

"Before I start my statement, I would like to make it clear to you that there is a particular atmosphere reigning in the Palestinian territories, now, after the Agreements. The Palestinian people were very optimistic at the beginning, right after the signing of the Declaration of Principles between the Palestine Liberation Organization and the Government of Israel. Then, unfortunately, the optimism started receding - in fact, it has practically vanished. The current statement we hear from Palestinians now is that peace has brought nothing but hunger and poverty. Peace has not liberated our prisoners and our detainees. Peace has made us be put in closed areas, from which we cannot move. There are more restrictions and more Israeli pressures.

"In other words, the situation in those various Palestinian areas is extremely complex - complex in terms of a national Palestine Authority in name only, whereas in effect those Palestinian areas fall under the jurisdiction of all the Israeli military orders that were in effect before the Agreement and remain applicable now.

"Israel intervenes and interferes in matters of internal Palestinian security, even in the Palestinian areas. In those areas, Israel continues to arrest people, to detain people, to kill, to confiscate territory, to close, and that is in addition to the various practices used by the settlers against the Palestinians, practices that in certain cases can reach to opening fire on Palestinians. This has not happened in Hebron only, but it has also happened in Gaza, in particular in Khan Younis, and this has happened more than once.

"As I said in the beginning, even excesses taking place in areas under the Palestinian Authority are the result of the heritage and the vestiges of occupation and the influence of Israel." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

34. Mr. Dahman also provided the Special Committee with background information and figures regarding the duration of the closures imposed on the occupied territories:

"During the intifada years, when pressure on the occupation authorities was considered to be at the highest, especially during the first two years, the occupation authorities did not systematically resort to the closure and the sealing of the areas. From April 1988 to April

1993, the days of closure for the whole period did not exceed 58 days - with the exception of the Gulf War crisis, which resulted in 41 days of closure. So, in total we are talking of 99 days of closure for the territories during those years.

"On the other hand, we find that since 1994 until 8 March 1996, the closure days amount to a total of 270. So, we have a shorter period of time, but longer periods of closure. The longest period of closure in the past years, that is to say before the signing of the Declaration of Principles, amounted to 19 days, if we exclude the Gulf War crisis. But now, we are in the fourth month of closure, it is still in effect and nobody knows how long it is going to continue. In 1995 alone, the Palestinian areas were closed for a total of 115 days. In 1996, from February until now, the closure has been maintained." (Ibid.)

35. The Director-General of the Addameer Prisoners' Support Association spoke to the Special Committee about the gen

"Now, tangible Israeli practices and violations can be summarized as follows: closures, embargoes, for workers, trade, building materials, food. Health is affected, that is the transport of patients to hospitals, either to Israel or to other Arab countries.

"The closures have also affected detainees, in terms of visits, be they visits by their families or visits by their lawyers. For the fifth month running, detainees have not been able to receive visits from their family members." (Ibid.)

36. Mr. Dahman described the explanations given for the reasons behind the imposition of the closure:

"Well, coming back to the closures, I shall not speak about the political objectives, I shall not speak about the purpose of all this, I'll only explain that the justification for it, namely the explosions, is completely false. The fallacy has become very clear. The maintenance of public order and security, as they say, is a pretext. The explosions have only given them a pretext and a justification for certain practices." (Ibid.)

37. Mr. Dahman summed up the situation in the occupied territories since the beginning of the peace process:

"Let me summarize what I have said at the beginning, namely that we feel bitterness and pain that the Palestinian people cannot experience any positive effects in terms of day-to-day life, after the signing of the Agreement as a result of the Declaration of Principles.

"I feel bitterness and I feel pain when I see that peace has not liberated our children who are still in prison, has not given us freedom - rather, it has made of us people living in one big detention centre. We are all detained. We are all prisoners. Peace has brought hunger upon us. We look with fear, trepidation and concern at all those excesses, because they do not happen under normal conditions of occupation, but more so, they come after peace has been initiated!

"That is going to have extremely grave consequences. Still, I hope it will be averted." (Ibid.)

38. A representative of the Palestinian Centre for Human Rights provided the following information about the closure of the occupied territories:

"Although Israel invokes the necessity of security for imposing the closure, we do not believe that it increases security for Israel and achieves the purpose of security. As I said, the closure was imposed on 25 February 1996 because and under the pretext of military actions carried out by some Palestinian groups. It is not known whether the perpetrators of these actions are from the territory under the Palestinian Authority or from the territory under the Israeli authority. Nonetheless, a total closure was imposed on both Gaza and the West Bank. In spite of the closure, three further military operations were carried out one week later. That in itself undermines the idea of a link between the closure and security.

"The closure has negative effects on all aspects of life in the territories. We believe that this constitutes a form of collective punishment within the frame of the systematic policy pursued by the Israeli authorities against the Palestinian people. We do not believe that a closure has anything to do with security." (Mr. Hamdi Shaqura, witness no. 20, A/AC.145/RT.697/Add.1)

39. The same witness described the wide-ranging effects of the current closure:

"The Israeli Government every now and then imposes a blockade and restricts movement of people and goods. The most recent such blockade imposed on 25 February 1996 has been the most severe one. It is a total closure. The sick are prevented from leaving the Gaza Strip to go to other hospitals. Students are kept from going to their universities in the West Bank or outside the country. Thousands of Palestinian workers are prevented from going to their place of work (there were 22,000 of them who worked in Israel before the closure). Also, the movement of goods is stuck, in the sense that all imports to the Gaza Strip have stopped - and imports are vital for the Gaza Strip - and all exports as well. The Palestinian detainees moved to the Israeli prisons were denied all visits. This is of course a violation of international agreements that prohibit the transfer of detainees from the occupied territories to Israeli prisons." (Ibid.)

40. One witness told the Special Committee about his apprehensions regarding the international image of Palestinians:

"Internationally, the Israelis are trying to distort our image. They are trying to portray the Palestinians as terrorists and that even under Palestinian rule, the Palestinians are still engaged in terrorism. This is something that is upsetting us." (Anonymous witness no. 3, A/AC.145/RT.690)

41. A witness from the Gaza Strip expressed the following view regarding the current situation of Palestinians:

"So, all the practices carried out by Israel against the Palestinian people may be attributed to the circumstances of the occupation." (Mr. Ibrahim Khamis Shehada, witness no. 7, A/AC.145/RT.692)

42. He described the feeling among Palestinians regarding the Oslo Agreements:

"The Palestinians feel that this Agreement has made life worse and more difficult. People now say that occupation is better than what we have now, despite the fear, the arrests, the murders we suffered. Why all this? We want to have food." (Ibid.)

43. This is how a witness described the situation regarding Israel and the occupied territories:

"In addition, the Israeli authorities constitute a military occupation authority and resort to racial discrimination, because Israel has declared itself a Jewish State. Therefore, in all acts of Israel, it is clear that policies and programmes are being drawn in order to support the Jewish precedence at the expense of the Arab presence in Palestine.

"So, we are suffering military occupation and racial discrimination at the same time." (Mr. Abdel Rahman Abu Arafeh, witness no. 10, A/AC.145/RT.694)

44. A witness from Jerusalem told the Special Committee about the effects of the current closure:

"This closure, I believe, has been the most difficult situation since 1967. Before this closure, I myself felt the occupation professionally, looking at my friends, colleagues and relatives. But today, every Palestinian feels that he, himself as a person, is under occupation. It is affecting the personal life of each person." (Anonymous witness no. 8, A/AC.145/RT. 693)

45. Another witness stated how he viewed the curbing of Palestinian activities in Jerusalem:

"The Israeli attempts to prevent Palestinian participation and presence during the conference stress once more that there is a contradiction between decision making and attempts made to strengthen Palestino-Israeli relations." (Mr. Salah Haj Yehya, witness no. 12, A/AC.145/RT.694)

46. The following view was expressed about the reasons for the imposition of the closure on the occupied territories:

"When however observing the nature and the volume of the measures taken by the Israeli authorities, it appears that one cannot but come to the conclusion that security and the protection of security is perhaps the last aspect on the mind of the Israeli authorities. Rather, it seems that Israel has exploited these events (carried out by individuals or organizations the influence of which is quite limited) in order to impose a situation of collective punishment against all Palestinian citizens, without exception as to geographical location, age or religion. All Palestinians, old and young, men and women, Muslims and Christians, all have been exposed to the consequences of the measures taken by the Israeli authorities." (Ibid.)

47. A witness described the way he saw the current situation in the occupied territories:

"What more than the demolition of houses? What more than the confiscation of land, the uprooting of the olive trees? Destruction, putting people in jail, putting women in jail, putting children in prison, what more than that would you like to hear? There is nothing called independence as far as we are concerned. We have not lived that, we have not seen that. Any person whom they want to detain, they just pick up simply, put in prison and lock the person up. And that is it.

"Any time, any place, any person whom they would like to take, they would drag away in front of the Palestinian Authority. What can the Palestinian Authority do?

"God willing, it is our hope that the situation will improve. But currently there is no

improvement, nothing has changed. There is one little change: we see a little bit less of the Israel Defence Forces in the towns and in the villages. That is all. If two people quarrel together and one of them just points to the other he has quarrelled with, towards the IDF, the IDF would come and drag them away in front of the very eyes of the Palestinian Authority and take them to prison." (Anonymous witness no. 17, A/AC.145/RT.695/Add.1)

48. Another witness described to the Special Committee the current daily life in the occupied territories:

"As far as our daily life is concerned, I would say it is bad. This can be attributed to the closure and to the checkpoints, as well as to lack of work opportunities in the Gaza Strip." (Anonymous witness no. 4, A/AC.145/RT.691)

49. The Special Committee received the following information about the decision of the Israeli authorities not to grant compensation regarding Palestinians who were killed or injured during the uprising:

"Maybe you have heard much about the question of compensation. But what is new is the following: on 3 November, a special committee chaired by Mr. Shimon Peres took the decision to stop the payment of compensations to thousands of Palestinians who had been killed or wounded by the Israeli authorities during the intifada. This constitutes a violation of norms internationally accepted regarding the compensation of victims of war and other violations.

"I wish to indicate that there is an important number of victims and that a lot of property has been damaged as well, as a result of the presence and practices of the Israeli forces in the Palestinian territory.

"Israel has continued prevaricating, procrastinating, ignoring and dragging its feet on the question of the claims submitted by victims or families of victims. We do not deny that, in certain cases, payments have been made when the authorities found themselves compelled to pay and compensate victims.

"I do not look at compensation in material terms, I rather view compensation, when it is paid, as an acceptance of responsibility and an acceptance of responsibility for acts committed against the victims. That is what is important in this respect." (Anonymous witness no. 19, A/AC.145/RT.697)

50. The Database Coordinator of the Al-Haq human rights organization stated the following with regard to the current situation in the occupied territories:

"It is believed that following the signing of the peace agreement between Israel and the Palestinians, the situation of human rights in the territories has improved. This is not the case. In fact, it is deteriorating and violations do go on aiming at the destruction of Palestinian structures." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

51. The representative of the Israeli human rights organization B'tselem spoke about the situation in the occupied territories after the peace agreement:

"The situation after the peace agreement has become worse. The number of workers in

employment has greatly decreased. The number of students studying at the universities in the West Bank has also dropped. The economic situation in the occupied territories has reached point zero. It has greatly deteriorated, so much so that the Palestinians today do not have the ability to earn a living." (Mr. Bassem Eid, witness no. 22, A/AC.145/RT.698)

52. A witness from Gaza expressed the following about the current situation:

"I hope that our testimonies will be heard and that solutions will be found to our problems. We respect this United Nations Committee and believe in its ability to do something - not everything, at least something - for the Palestinians, who suffer too much. Much more than what is written in the newspapers and said on the radio. More, more, much more. Anyone who wants the truth must see it with his own eyes. If you see the refugee camps, they are a testimony for everything. The streets too narrow for the coffin of a dead man. Is this normal?" (Mr. Omar Khalil, witness no. 5, A/AC.145/Rt.691)

53. Accounts of the general situation prevailing in the occupied territories may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.694 (Mr. Salah Haj Yehya), A/AC.145/RT.695/Add.1 (anonymous witness), A/AC.145/RT.697 (anonymous witness), A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

54. On 1 April 1996, Palestinian Authority President Yasser Arafat stated in a letter to the Secretary-General of the League of Arab States (LAS) that the collective punishment inflicted on Palestinians, the refusal of the Israeli army to withdraw from Hebron and the Israeli army's presence in areas from which it had previously withdrawn constituted a declaration of war against the Palestinian people. Mr. Arafat appealed to the Arab League for support and urged it to demand that the United Nations Security Council intervene in order to put an end to the closure. (Jerusalem Post, 2 April)

55. On 2 April, Iz Adin el Kassam, the military wing of Hamas, threatened to renew its suicide bombings in retaliation against the repressive measures taken against the Islamic organization by Israel and the PLO. In response to the threats, Israel stepped up security around the Gaza Strip and in large areas of the West Bank. (Ha'aretz, 3 April)

56. On 2 April, some 1,000 residents from Hebron took part in a demonstration to protest against the delay in the redeployment of the Israel Defence Force (IDF) in the town and the continuation of the closure. The demonstrators carried banners reading "Yes for peace, no for occupation", "Stop the siege and the starvation", "Yes for the implementation of the Interim Agreements" and "No peace with settlements". Hebron Mayor Mustafa Natshe accused Israel of violating the Oslo Accords by renegeing on its commitment to withdraw from Hebron by 28 March and protested against Israel's intention to confiscate agricultural land for the construction of bypass roads. (Ha'aretz, 3 April)

57. On 5 April, it was reported that since the Dizengoff Street suicide bombing, the IDF had arrested more than 650 Islamic Jihad and Hamas activists in the West Bank, more than 200 of whom had been placed under administrative detention. During the operations, the IDF seized inflammatory material as well as hundreds of makeshift weapons, including knives, axes, old revolvers, explosives and old mines. (Ha'aretz, 5 April)

58. On 5 April, it was reported that the Israeli Ministry of the Interior had decided to revoke the identity cards of Jerusalemites living outside the City limits. (The Jerusalem Times, 5 April)

59. On 7 April, the IDF revealed that on 12 March it had detained a 24-year-old Palestinian medical student from the Jabaliya refugee camp (Gaza Strip) on suspicion of his being an Iranian-trained Islamic Jihad "terrorist". The Palestinian reportedly told the General Security Service (GSS) that the purpose of his training was to carry out an attack against Israeli targets. (Ha'aretz, Jerusalem Post, 8 April)
60. On 8 April, the IDF and intelligence sources warned that "terrorists" from the Gaza Strip might carry out suicide attacks in Israel. In response to the warnings, the IDF in the Gaza Strip and the West Bank was placed on high alert. According to the security sources, more than 800 Hamas and Islamic Jihad activists had been arrested during a series of operations in the territories since the latest Tel Aviv suicide bombing. One security source indicated, however, that despite the extensive wave of arrests, the Hamas and Islamic Jihad were continuing their activities and it could not be affirmed that their infrastructure had been damaged. The IDF stressed that Hamas was operating from the West Bank, especially from Hebron, as well as from the autonomous regions. (Ha'aretz, 9 April)
61. On 12 April, it was reported that according to recent official statistics prepared by the Israeli Ministry of the Interior, the number of settlers living in the self-rule areas had increased from 112,000 four years ago to 147,000 settlers in 1995. The increase, estimated at 31 per cent, has been higher under the Labour Government than has been the case under any previous Israeli Government. (The Jerusalem Times, 12 April)
62. On 16 April, the Israeli Prime Minister Shimon Peres stated that the closure of the Palestinian lands would not be lifted but could be eased. Peres explained that the Israeli intelligence services continued to receive information concerning plans for suicide bombings. (The Jerusalem Times, 19 April)
63. On 17 April, the IDF made five arrests in the Jenin and Bethlehem areas as part of its continued crackdown on Hamas activists. (Ha'aretz, 18 April)
64. On 24 April, the Palestinian National Council voted by 504 votes to 54 with 14 abstentions to annul the articles in the Palestinian National Charter that opposed Israel's existence. The move called for the cancellation of all the clauses in the National Covenant that go against the commitments under taken by the PLO in the Letters of Mutual Recognition exchanged with Israel. The vote empowered a legal committee to draw up a completely new charter within six months. Ten articles in the Charter were said to be clearly opposed to Israel's existence while a number of others were anti-Israeli by implication, although not explicitly calling for its destruction. (Ha'aretz, The Jerusalem Post, 25 April; also referred to in The Jerusalem Times, 26 April)
65. On 24 April, the Palestine National Council approved the draft for changes in the National Covenant. (The Jerusalem Times, 26 April)
66. On 26 April, it was reported that the Israeli Minister of the Interior, Saleh Tarif, had confirmed that the Residency Law of Israel had not been amended. The Arab residents of East Jerusalem whose identity cards had been withdrawn without legal reasons being given had to go to the Ministry of the Interior to find out what the reasons were. If the reasons cited were illegal, the case would be reviewed. Tarif made it clear that a person whose permanent place of residency was Jerusalem and who worked outside Israel would not lose the right of residence. The case also applied to his family. (The Jerusalem Times, 26 April)
67. On 1 May, former Likud Defence Minister Ariel Sharon suggested that Hebron's Jewish quarter should be annexed to the Kiryat Arba settlement. He also demanded that the IDF retain security control over all of Hebron and leave only the civilian control to the Palestinians. In addition, Mr. Sharon blamed Palestinian Authority President Yasser Arafat of not acting against "terrorism", stating that he fulfilled every criterion of what constitutes a war criminal. Mr. Sharon made his

statements while on a visit to Hebron following the stabbing of an elderly Jewish settler by a Palestinian in the town casbah. (Jerusalem Post, 2 May)

68. On 1 May, the Israeli Prime Minister, Shimon Peres, announced that redeployment in the town of Hebron would be gradual, both as regards dates and procedures. A military source indicated that the process of evacuation would be undertaken in three stages. In the first, Norwegian observers would be deployed in the area. In the second, shortly after the Israeli elections, civil authority would be transferred to Palestinians. In the third stage, Palestinian police would enter the town, working alongside with the Israeli forces. (The Jerusalem Times, 3 May)

69. On 5 May, the three years of final status negotiations envisaged by the peace accords began officially in Taba. The substantive issues on the agenda were Jerusalem, settlements, refugees, political status, water distribution and final borders. (Jerusalem Post, 5 May)

70. On 5 May, it was reported that more than 4,000 Hamas and Islamic Jihad activists had been rounded up since the IDF began its extensive campaign of arrests three months earlier. Some of the detainees were placed under administrative detention while others were being interrogated by the GSS. (Ha'aretz, 5 May)

71. On 5 and 6 May, the Israeli authorities arrested 14 Palestinians suspected of being members of organizations affiliated with Palestinian opposition in the areas of Hebron, Nablus and Tulkarm. (The Jerusalem Times, 10 May)

72. On 7 May, the Palestinian Authority transferred to the IDF and the police some 30 explosive devices it had gathered during searches among supporters of Islamic organizations. Dozens of explosives, old weapons, grenades and other arms were reported to have been transferred to Israel by the Palestinians over the previous year. (Ha'aretz, 8 May)

73. On 7 May, the right-wing Likud party released its platform in preparation for the upcoming Israeli general elections. The platform began with the declaration that the right of the Jewish people to the land of Israel was eternal and inalienable as was the Jewish people's right to security and peace. Zionism was described as the national liberation movement of the Jewish people and fulfilment of Zionist goals would be given top priority. Immigration to Israel would be increased while the decision to freeze settlements in the territories would be rescinded and settlement activities enhanced. Peace, according to the opening part, would become the central objective for the Government, which would negotiate directly with Arab States in order to achieve peace. However, security was to be considered as the basis without which a lasting peace in the region could not be possible. Israel would therefore make certain that security was maintained as a primary condition for any peace arrangement. The IDF and the security forces would enjoy, whenever necessary, free latitude everywhere in their struggle against terrorism. Vital security and settlement areas would remain under full Israeli control. The Likud Government would respect international agreements, would continue the diplomatic process in quest of a just and lasting peace, would recognize the facts created on the ground by previous agreements and would strive to minimize the dangers inherent in those agreements to Israel's future and security. The Likud Government would negotiate with the Palestinian Authority in order to arrive at a final status agreement on condition that the Authority fully live up to all its undertakings and in particular nullify completely and unequivocally those clauses of the Palestinian Covenant calling for Israel's destruction, prevent terrorism and put an end to incitement against Israel. The Likud Government would enable Palestinians to freely run their own affairs within the framework of an autonomy. Foreign relations, security and other matters that require coordination would remain under Israeli control. The Likud Government would oppose the creation of an independent Palestinian State. Israel would retain vital water resources in Samaria and Judea (West Bank). Employment opportunities would be developed in the autonomous areas in order to reduce the number of Palestinians working in Israel. Jerusalem, united and indivisible, was Israel's capital. The Likud Government would outlaw any activity aimed at undermining that status of the City. PLO and Palestinian Authority institutions in Jerusalem, including Orient House, would be

closed. The Golan Heights would remain under Israeli sovereignty. (Ha'aretz, Jerusalem Post, 8 May)

74. On 10 May, it was reported that the Israeli Prime Minister, Shimon Peres, had announced a delay of the Israeli withdrawal from Hebron. The Prime Minister also insisted on Israel retaining full control of the Ibrahimi Mosque. (The Jerusalem Times, 10 May)

75. On 10 May, the Israeli police announced that they had arrested a Palestinian man they claimed to be a potential suicide bomber. The man had entered Israel as a tourist. (The Jerusalem Times, 17 May)

76. On 12 May, the Central Committee of the National Religious Party (NRP) approved the party's platform for the upcoming Israeli general elections. The platform stated that the NRP would oppose the establishment of a Palestinian State between the Jordan River and the Mediterranean Sea and would support the declaration of Israeli sovereignty over Greater Jerusalem. The NRP would also support widening the Jewish presence in East Jerusalem and Hebron; the establishment sovereignty over settlements in Judea and Samaria (West Bank); and the granting to the IDF of permission to operate anywhere where necessary, including in all of Judea Samaria and Gaza. A party member pointed out that the platform was just a stage in a future plan to strengthen the Jewish community in Judea and Samaria (West Bank), with the aim of reaching a total number of one million Jews there over the next four years. (Jerusalem Post, 13 May)

77. On 12 May, the Mandela Institute for Political Prisoners cited Israeli newspapers reporting that the Israeli intelligence, the Shavak, had started to use a new torture method against Palestinian prisoners. The new method, commonly known as the "time bomb", included physical and psychological pressure as well as beatings and temporary suffocation, until the victim lost consciousness. The methods also include shaking, sleep and food deprivation and the denial of access to health facilities. (The Jerusalem Times, 17 May)

78. On 13 May, Israeli sources confirmed that there would be no redeployment from Hebron until after the Israeli elections on 29 May. (The Jerusalem Times, 17 May)

79. On 15 May, it was reported that more than 5,000 Hamas and Islamic Jihad activists had been arrested by the security forces since the Dizengoff bombing attack. (Ha'aretz, 15 May)

80. On 15 May, an IDF spokesman announced that a full closure of the West Bank and the Gaza Strip would be imposed until further notice. Israel Radio quoted the spokesman as saying that the closure was aimed at preventing potential suicide bombings in the run-up to the Israeli elections scheduled for 29 May. (The Jerusalem Times, 17 May)

81. On 17 May, it was reported that seven members of the Islamic Resistance Movement, Hamas, were arrested by the IDF in connection with the killing of a settler at the entrance to the settlement of Beit El near Ramallah on 13 May 1996. In a separate development, an Israeli source indicated that 11 members of a Hamas cell had been arrested and accused of assisting in the carrying out of the three bombings in Jerusalem and Ashkelon in February. (The Jerusalem Times, 17 May)

82. On 17 May, the IDF arrested the deputy leader of the military wing of Hamas, Hassan Salameh, suspected of planning three of the four recent suicide bomb attacks on Israeli targets. On 21 May, an additional 32 Hamas activists were detained. Salameh's arrest came as a further blow to the operational capacity of Hamas at a time when deep divisions within the movement were reported. The divide was essentially between the Hamas higher command in exile and leaders of the movement based in Gaza and in the West Bank. The latter were in complete disagreement with the exiled leaders concerning attacks against Israel. (The Jerusalem Times, 24 May)

83. On 24 May, it was announced that Israel had decided to impose a complete security cordon on

the self-rule areas three days before the Israeli elections. The Israeli daily, Maariv, stated that the Israeli authorities had arrested during the three previous days more than 300 Palestinians suspected of being members of Hamas. In a separate development, an Israeli police spokesman was reported to have said that Mohammed Hussein Miqdad, who had been involved in the Lawrence Hotel bombing in East Jerusalem on 12 April, belonged to the Hezbollah movement. (The Jerusalem Times, 24 May)

84. On 26 May, the Coordinator for Israeli Affairs in the Self-Rule Areas, Shlomo Drori, stated that, owing to the new security measures, the 7,000 Palestinian labourers working in Israel would not be allowed to enter the country. However, he noted that Israel would allow 200 Palestinians to continue working in one of the industrial zones on the border between Gaza Strip and Israel. Drori added that with the exception of Palestinian officials and medical cases, no Palestinian could enter Israel. (The Jerusalem Times, 31 May)

85. On 27 May, it was reported that Hamas leaders had issued a fatwa calling on Muslims to launch suicide bomb attacks against Israelis and Jews. The fatwa reportedly justified suicide attacks against all Israelis, irrespective of their political ideology, whether they were civilians or soldiers, men or women, young or old. (Jerusalem Post, 27 May)

86. On 31 May, the Chairman of the Likud opposition party Benjamin Netanyahu was declared the winner of the first direct vote for Prime Minister in Israel's general elections. Mr. Netanyahu won 1,501,023 votes (50.4 per cent of the total number of valid votes cast: 2,972,589) while Prime Minister Shimon Peres won 1,471,566 votes (49.5 per cent of the total valid votes cast). During his election campaign, Mr. Netanyahu ruled out the establishment of a Palestinian State. He vowed to reallocate funds for settlements and to accelerate settlement activities in the Gaza Strip and the West Bank, including in Hebron. He stated that a Government led by him would rescind the Labour Government's decision not to confiscate land in East Jerusalem for Jewish construction projects and that it would close Orient House. He stated further that he would not respect the Labour Government's decision to include the issue of Jerusalem in the final status negotiations. He ruled out any territorial compromise on the Golan Heights, stating that a Government led by him would not evacuate any Jewish settlements in the region. In the voting for the 120-seat Knesset, the Labour party won 34 seats, the Likud 32, the religious parties of Shas, Mafdal (National Religious Party) and Yahadut Hatora won 10, 9 and 4 seats respectively, Meretz won 9, the Russian Immigrants' Party 7, Hadash 5, the Third Way party 4, the Arab Democracy won 4 and the Moledet party won 2 seats. (Ha'aretz, 5, 27, 28 and 31 May 1996 and 2 June 1996)

87. On 31 May, a demonstration was staged by the Jahalin Bedouins protesting against Israeli attempts to evict them from their land. (The Jerusalem Times, 7 June)

88. On 8 June, Palestinian Authority Ministers warned that any policy statement by the incoming Likud Government denying a Palestinian State, refusing a Palestinian role in Jerusalem and rejecting a withdrawal from the Golan Heights would be considered as a declaration of war. The Ministers issued their statement after a joint meeting of the Executive Committee of the PLO and the Palestinian Authority at which policy guidelines outlined by Prime Minister Benjamin Netanyahu were discussed. The draft reportedly spoke of opposition to the establishment of an independent Palestinian State, of retaining unequivocal Israeli sovereignty over united Jerusalem, of not ceding the Golan Heights and of encouraging the continued development of settlements. (Jerusalem Post, 9 June)

89. On 12 June, a Palestinian Council meeting had to be postponed because 20 members of the Council were prevented by Israeli soldiers from leaving Gaza after they had refused to undergo a search at the Erez checkpoint. (The Jerusalem Times, 14 June)

90. On 12 June, the Israeli redeployment from the town of Hebron was postponed for the second time in 1996 after the election of the new Prime Minister, Benjamin Netanyahu. (The Jerusalem

Times, 14 June)

91. On 13 June, the heads of the Palestinian security forces sent a letter to Prime Minister-elect Netanyahu stating that unless he changed his humiliating attitude towards the Palestinian Authority, they would stop fighting the Hamas movement. According to Israeli sources, the Palestinians claimed that Mr. Netanyahu's attitude diminished the Palestinian Authority's ability to fight the rejectionist organizations. (Ha'aretz, 14 June)

92. On 18 June, it was reported that the interministerial committee supervising the GSS headed by Prime Minister Shimon Peres had decided, in coordination with Prime Minister-elect Netanyahu, to extend the special permit granted to the GSS to use "exceptional interrogation methods", including shaking, during the interrogation of Islamic Jihad and Hamas activists suspected of planning or having information about attacks. (Ha'aretz, 18 June)

93. On 19 June, it was reported that administrative detention and ill-treatment of Palestinian prisoners continued to be uppermost on Amnesty's International's list of Israeli human rights violations. The organization's report for 1995 stated that more than 600 administrative detention orders had been issued against Palestinians as compared with 2 against Jews. Furthermore, in February 1995, the maximum period of detention was increased from six months to one year. During the filing of appeals, which usually took place several weeks after the arrest, detainees and their lawyers were not provided with important information about the reasons for the detention. Palestinian detainees continued to be systematically tortured and ill-treated during interrogation by the GSS, often while being held incommunicado. Methods that were routinely used included hooding, prolonged sleep deprivation (usually while standing or sitting shackled in painful positions), beatings, shaking and confinement to cupboard-sized rooms. The report noted that the ministerial committee that oversees the GSS continued to renew the permission given to the GSS to use "exceptional interrogation methods" such as shaking despite the death of a detainee, Abed Harizat, as a result of that practice. The report stated further that detainees were frequently denied access to lawyers for up to 30 days and to relatives for up to 140 days. Confessions obtained under duress were reportedly often used as the principal source of evidence against detainees. The report also claimed that a number of Palestinians had been shot by the Israeli security forces in circumstances suggesting that they had been executed extrajudicially. One case cited in the report was that of Islamic Jihad leader Fathi Shakaki, who had been assassinated by unknown gunmen in Malta. The report observed in addition that those responsible for human rights violations in the past continued to enjoy virtual impunity. It cited the case of an Israeli colonel who had shot and killed a 14-year-old Palestinian girl but received only a six-month suspended sentence. Other issues cited in the report included the demolition of suspected terrorists' houses and the fact that 4,000 Palestinians convicted of security offences continued to be detained in prisons. (Jerusalem Post, 19 June)

94. On 21 June, it was reported that the Commander of the Central Area, Maj.-Gen. Ilan Biran, announced that large areas of Palestinian territory parallel to the Green Line would be closed for security reasons. (The Jerusalem Times, 21 June)

95. On 28 June, it was reported that more than 200 Palestinian workers who were in Israel illegally had been rounded up in the Tel Aviv area. Some 194 were detained for interrogation and were sent back to the territories on 27 June, while 7 who had criminal records were imprisoned. (Ha'aretz, 28 June)

96. On 30 June, a source in the Netanyahu Government stated that Israel was studying ways of preventing visiting foreign ministers and other high-ranking officials from holding talks at the Orient House. During his electoral campaign, the new Israeli Prime Minister promised to close down Orient House or circumscribe its activities. (The Jerusalem Times, 5 July)

97. On 1 July, the chief of the central district police stated that more than 1,200 Palestinians from the territories who were in Israel illegally had been rounded up in the central district during the previous

month. He was speaking in the wake of a dawn raid within the Green Line area, the sixth in a series of similar crackdowns against Palestinians working in Israel illegally, in which some 90 illegal workers had been rounded up by numerous police and border police forces as well as by civil guard volunteers. (The Jerusalem Post, 2 July)

98. On 8 July, the Association for Civil Rights in Israel (ACRI) issued a comprehensive report on human rights violations in Israel and the occupied territories. The report stated that while Israel basically respected the human rights of its own residents, it violated the human rights of the Palestinian residents of the territories on a regular and extensive basis. The report indicated that the most serious violation was the use of torture during GSS interrogation. The report observed that despite declarations by senior officials, there had been no real change in GSS interrogation methods and the courts continued to refrain from taking a clear stance on the issue. The report pointed out that as when the persons interrogated were Palestinians it was easy to enlist public support for torture. However, when the GSS began to use "exceptional interrogation methods", albeit relatively moderate ones, against Jewish right-wing activists, the public became aware of the human rights threat inherent in such interrogation methods. The report added that the emerging public debate was a positive development, given the conspiracy of silence that had surrounded the subject in Israel in the past. The report went on to observe that the second major problem in the territories was that of collective punishment such as the imposition of closures. It stated that the closure that had been imposed on the territories in the wake of the wave of attacks in February and March affected a large number of innocent people. Particularly grave were the restrictions regarding the entry of patients and medical staff into Israel. This had led to the death of several persons, including babies, who were prevented from reaching hospitals. The report also pointed out that although the number of arrests had decreased substantially since the IDF withdrew from the principal West Bank towns, the rights of detainees continued to be violated. Detainees were transferred to detention facilities in Israel where they were held in harsh conditions and had virtually no possibility of receiving legal assistance from an attorney. Family visits were also limited. Conditions in detention facilities remained appalling, even subhuman. Furthermore, irregularities in legal proceedings in military courts and the lack of observance of the defendants' rights had worsened. The report indicated that although in previous years trials in military courts proceeded at a sluggish pace, among other things because the defendant or the witnesses were not brought to court, the defendants' right to be tried within a reasonable period of time or be released had never been so seriously violated as was the case since the IDF redeployment in the territories. (Ha'aretz, Jerusalem Post, 9 July)

99. On 9 July, Prime Minister Netanyahu rejected the demand of President Bill Clinton that Israel abstain from building new settlements in the territories. Mr. Netanyahu presented to Mr. Clinton figures compiled by the Central Bureau of Statistics figures showing that before the Labour party came to power in 1992, there were 96,000 settlers in the territories while their number currently stood at 145,000. Mr. Netanyahu stated that he had assumed no one expected his Government to do less than the Labour Government. He pointed out, however, that no decision had yet been made as to the scope and location of settlements and stated that his Government would fulfil past commitments but indicated that this required "reciprocity". He stated further that the closure would be lifted only when the Palestinians had lived up to their security commitments. With regard to Hebron, Mr. Netanyahu told Mr. Clinton that the army would not withdraw from the town until a formula guaranteeing security had been found. (Ha'aretz, Jerusalem Post, 10 July)

100. On 10 July, Prime Minister Netanyahu delivered a speech before the United States Congress in Washington, D.C., in which he declared, among other things, that Jerusalem would never be divided and that Israel would insist on the right of Jews to live "anywhere in the land". Mr. Netanyahu pledged, however, to begin negotiations with the Palestinian Authority on a final status agreement, on condition that the Palestinians abide by the Accords that had been signed. He stated further that Israel was ready to engage in meaningful negotiations with the Syrian Arab Republic and to broaden the circle of peace throughout the region. Mr. Netanyahu's speech drew widespread criticism from Palestinian officials. Faisal Hussein stated that Netanyahu had made a declaration of war if he meant that there would be no negotiations on Jerusalem's future. Mr. Hussein also stated that Netanyahu's

speech raised concerns about Israel's commitment to the Oslo Accords and final status negotiations, which, he observed, included Jerusalem. The Jerusalem Times reported that Mr. Netanyahu had declared that Israel would never allow Jerusalem to be divided up between the Arabs and the Jews. Netanyahu added that the creation of a new Berlin Wall should not be allowed. The Chairman of the Palestinian National Council stated that Netanyahu's pronouncements were disquieting and that they indicated that Netanyahu intended to continue with settlement activities in the territories, which he depicted as a "cancer" that would lead to the collapse of the peace process. Hebron Mayor Mustafa Natshe stated that Netanyahu's declarations suggested that his Government was not interested in redeploying IDF troops in Hebron. (Ha'aretz, 11 July, Jerusalem Post, 11 and 12 July; also referred to in The Jerusalem Times, 12 July)

101. On 12 July, PLO leader Yasser Arafat stated that the Israeli Government had no right to close Palestinian offices in Jerusalem and warned that such a move would violate the commitments made by Israel since 1993. Mr. Arafat made his statement following reports by the Israeli media that Prime Minister Netanyahu would shortly demand that the Palestinian Authority close four offices in Jerusalem as a condition for the resumption of the peace talks. The offices were those of religious affairs, education, statistics and Orient House. Mr. Arafat warned that such a move, especially the closure of the Palestinian Religious Affairs Bureau on the Temple Mount, would trigger fierce opposition among Arab and Islamic nations. (Jerusalem Post, 14 July)

102. On 12 July, it was reported that the members of the Palestinian Council representing the Jerusalem governorate had refused to respond to summons they had received from the Israeli police inviting them for a talk in order to warn them against exercising any political activities in the City. The PNC members called the summons a violation of the Oslo Accords reached between the PLO and Israel and an attack against their immunity as envisaged in the Accords. (The Jerusalem Times, 12 July)

103. On 12 July, Minister Faisal Hussein rejected the attempts made by the Special Ministerial Council for Jerusalem Affairs of the Netanyahu Government to force to close down four institutions in Jerusalem. The four institutions included Orient House, the Bureau of Statistics, the office of Hanan Ashrawi, Minister for Higher Education of the Palestinian Authority, and the Ministry of Religious Affairs and of the Islamic Waqf. (The Jerusalem Times, 19 July)

104. On 18 July, official Palestinian sources published a statement condemning the expansion of the Jewish settlements in Hebron. Recent developments in the area included the levelling of land near Tel Rumeideh, the uprooting of trees and the laying down of a sewage network by settlers, with the help of soldiers. Palestinian sources expressed the belief that the renewed activity followed a go-ahead given to the settlers by the Netanyahu Government. Two days earlier, the Minister of Tourism, Moshe Katzav, had visited Hebron and promised the settlers that one of the buildings there would shortly be turned into a Jewish religious centre. Sources in the Hebron Waqf stated that the site in question was adjacent to Tel Rumeidah and to the Islamic shrine of Mashhad Al Arbaen. The latter had been closed down by the Israeli Civil Administration. (The Jerusalem Times, 19 July)

105. On 23 July, it was reported that the representatives of the Palestinian Authority had drafted a document listing 33 alleged violations of the Oslo Accords. The main items of the document stated that:

- (a) Israel should disband its Civil Administration and withdraw its military authorities from the territories;
- (b) Israel should stop employing the term "Judea and Samaria" since the term enshrined in the Interim Accords was "the West Bank";
- (c) Israel should respect the status of the West Bank and the Gaza Strip as a single territorial unit;

- (d) Appendix 3 of the agreement, which enumerated the civil areas of control to be transferred to the Palestinian Authority, should be implemented in full;
- (e) IDF troops should withdraw from area B, where the Palestinian Authority should be responsible for the security of the Palestinian population;
- (f) The Palestinian Authority should be handed over control of area C;
- (g) Israel should abstain from inciting and spreading hostile propaganda against the Palestinian Authority;
- (h) The safe passage between the West Bank and the Gaza Strip should be opened to the circulation of people, vehicles and merchandise;
- (i) Israel should abstain from expanding settlements;
- (j) Travel restrictions within the West Bank and the closure should be lifted;
- (k) Jewish places of worship should be placed under the control of the Palestinian Police;
- (l) Joint patrols should be deployed in areas B and C. Currently, they were deployed only in the urban parts of area A;
- (m) Private vehicles should be allowed to cross into Jordan through the Allenby Bridge;
- (n) Israel should release all women prisoners, prisoners who had served two thirds of their term and those who had not caused death or serious injury. (Ha'aretz, 23 July)

106. On 26 July, Foreign Minister David Levy notified Palestinian Authority President Yasser Arafat that his Government demanded that the Palestinian Authority's youth and sports and cartography offices in East Jerusalem be closed. Mr. Levy further demanded that an institute for professional training in the Shuafat area be closed, that the Authority's security operations in Jerusalem be stopped and that Legislative Council members not open offices in the capital. (Jerusalem Post, 28 July)

107. On 28 July, it was reported that some 50 activists of the Popular Front for the Liberation of Palestinian (PFLP) had been detained by the GSS in Hebron and the surrounding areas since a drive-by attack in the Beit Shemesh area in June. Several of those arrested had been placed under a six-month administrative detention order in a bid to weaken and strike at the organization with all the means at the disposal of the security authorities. However, the arrests and the harsh methods used during the GSS interrogations had not led to the discovery of the cell suspected of carrying out the June attack and a similar one perpetrated in July. (Ha'aretz, 28 July)

108. On 2 August, the Cabinet agreed to end the four-year freeze imposed on the construction of settlements in the territories, a move described by Prime Minister Netanyahu as correcting the discrimination against Jewish settlements in Judea, Samaria and the Gaza Strip. The decision concentrated decision-making power on settlement expansion in the hands of Netanyahu and Defence Minister Yitzhak Mordechai. The Cabinet agreed to vote only on the establishment of new settlements. Officials in the Prime Minister's office stated, however, that there was no plan to establish any new settlements. The Cabinet's decision to lift the ban on settlement construction was criticized by settlers as being not enough and was condemned by Palestinians as a setback and a threat to the peace process. (Ha'aretz, Jerusalem Post, 4 August)

109. On 4 August, Palestinian President Yasser Arafat urged the Israeli Prime Minister to revoke his decision to intensify settlement activities. Arafat stressed that Israel had committed itself to refrain

from making unilateral moves in the West Bank and the Gaza Strip. (The Jerusalem Times, 9 August)

110. On 8 August, the Tel Aviv district police reported that 724 Palestinians had been found in July to be living in Tel Aviv without the necessary permits. (Jerusalem Post, 9 August)

111. On 16 August, it was reported that the Israeli Cabinet was preparing a new proposal concerning the redeployment of troops from Hebron. Sources close to the Israeli Prime Minister indicated that Netanyahu had made the evacuation of Hebron conditional on the closing of Palestinian educational and cultural centres in East Jerusalem. (The Jerusalem Times, 16 August)

112. On 16 August, it was reported that eyewitnesses had stated that Israeli death squads had reappeared in the City of Jerusalem only days after the Israeli Prime Minister Netanyahu had instructed Israeli intelligence to step up its activities in the Palestinian territories with the aim of hunting down persons involved in armed resistance. (The Jerusalem Times, 16 August)

113. On 21 August, Israeli forces raided two offices in the Jerusalem governorate on the grounds that they had served as Palestinian security offices. The offices, which were affiliated with Force 17, were located in the neighbouring town of Izzariyeh. Force 17 was the special presidential security apparatus. The Governor of Jerusalem, Jamil Othman Naser, stated that the two offices were not connected with the Palestinian Authority. The village of Izzariyeh lies within area B, which is patrolled jointly by Palestinians and Israelis. (The Jerusalem Times, 23 August)

114. On 21 August, the permanent office of the Islamic and National Anti-Settlements Committee issued a statement condemning the Israeli plan for the construction of a super-highway that would link Lydda Airport with Qalandia Airport in Jerusalem. Committee member Issam Abdel Latif stated that the plan was dangerous because of its strategic nature and the amount of West Bank land that would be confiscated in order to build it. Abdel Latif indicated that thousands of acres of land belonging to 12 villages would be affected, in addition to 750 acres of land adjacent to Qalandia in Bir Nabala, Beit Hanina, and Rafat. (The Jerusalem Times, 23 August)

115. On 23 August, it was reported that President Yasser Arafat had rejected an Israeli proposal to link redeployment in Hebron to a Palestinian agreement to cease all Palestinian Authority activities in Jerusalem. (The Jerusalem Times, 23 August)

116. On 25 August, it was reported that the Public Committee Against Torture in Israel, together with the Association of Physicians for Human Rights, had protested against the decision taken by the interministerial committee supervising the GSS to extend the special permit granted to GSS interrogators to use "exceptional methods", including shaking, during the interrogation of suspects. Both organizations described shaking and other exceptional interrogation methods as torture and stated that such interrogation methods constituted a gross violation of human rights and of the international conventions signed by Israel. (Ha'aretz, 25 August)

117. On 26 August, the Palestinian Authority Minister of Information, Yasser Abed Rabbo, denied that an agreement had been reached with Israel to close down three Palestinian offices in Jerusalem. (The Jerusalem Times, 30 August)

118. On 28 August, Palestinian Authority President Yasser Arafat stated at a special session of the Palestinian Council that the policy of the Likud Government amounted to a declaration of war against the Palestinians. Mr. Arafat described the Government's settlement policy as a crime and a gross violation of the peace accords, and called for civil protest throughout the territories. (Ha'aretz, Jerusalem Post, 29 August)

119. On 29 August, Yitzhak Shamir, a former Prime Minister of Israel, praised Prime Minister Netanyahu for the way in which he had dealt with the developing crisis with the Palestinians. Mr.

Shamir stated that he was not worried about the deterioration in the relations between the Palestinian Authority and Israel, indicating that the Likud had not been brought to power in order to please or strengthen the Palestinians. He went on to say that Mr. Netanyahu was acting as a Prime Minister was expected to, which was very promising for the time being. When asked whether he did not believe that the Government was supposed to honour the Agreements signed with the Palestinians by the previous Government, Mr. Shamir retorted by asking: "Who said and where was it written that the Agreements should be honoured?" When asked to clarify whether he meant that Agreements should not be respected, Mr. Shamir stated that only the good parts of the Agreements should be respected. (Ha'aretz, 30 August)

120. On 29 August, a call by the Palestinian Authority President Yasser Arafat for a four-hour general strike to protest against Israel's policy of expanding settlements and demolishing houses as well as other violations in Jerusalem was widely heeded throughout the West Bank, the Gaza Strip and in East Jerusalem. The strike, which was described as a symbolic warning, lasted from 8 a.m. to 12 noon and included the Palestinian Authority's offices. Arafat also asked Palestinians to attend for prayers at the Al-Aqsa Mosque on 30 August. He proclaimed 29 August "Jerusalem Day in Palestine". (Ha'aretz, 30 August; also referred to in The Jerusalem Times, 30 August)

121. On 31 August, Palestinian Authority President Yasser Arafat warned that unless the Government improved its attitude towards the Palestinian Authority and the peace process, protests could escalate. In a visit to a girls' school in Nablus, Arafat reportedly used language that hinted the renewal of an intifadah-type uprising. He delivered the same message in a speech at the Balata refugee camp where the 1987 intifadah first broke out in the West Bank. (Jerusalem Post, 1 September)

122. On 1 September, the Representative for Jerusalem, Hatem Abdel Qader, noted that thousands of Palestinians had left Jerusalem because of soaring rents and exorbitant taxation. Abdel Qader also dismissed a claim made by the Jerusalem Deputy Mayor, Shmuel Meyer, that the Municipality had granted more than 12,000 building licences to Palestinians. Abdel Qader stated that no more than 700 licences had been issued, with many restrictions attached. (The Jerusalem Times, 6 September)

123. On 1 September, it was reported that the Palestinian security apparatus had discovered sets of electronic surveillance devices linked to the telephone network of police headquarters in Gaza. A police inquiry team concluded that the devices had been planted by the Israeli authorities before they withdrew from the Gaza Strip in May 1994. The police spokesman indicated that the devices would self-destruct as soon as they were touched. (The Jerusalem Times, 6 September)

124. On 4 September, Prime Minister Benjamin Netanyahu and Palestinian Authority Chairman Yasser Arafat met for the first time at the Erez checkpoint. Mr. Arafat discussed the Palestinians' harsh living conditions and Mr. Netanyahu pledged to raise the number of Palestinians working in Israel from 37,000 to 50,000. Other subjects raised during the meeting included settlements and the Hebron redeployment. At a press conference following the meeting, the Prime Minister stated that both parties had reiterated their commitment to the Interim Agreement and their determination to carry on with its implementation. When asked directly by a Palestinian journalist if he would redeploy troops in Hebron in accordance to the Oslo II Agreement, Mr. Netanyahu replied that the issue would be discussed by the Steering Committee and added that a security clause had to be added in order to allow the Jewish settlers in Hebron to live as normal and safe a life as possible. The Netanyahu-Arafat meeting was described as only a first step in the new Likud-PLO relationship, with Mr. Netanyahu pointedly not shaking hands with Mr. Arafat after the press conference. (Ha'aretz, Jerusalem Post, 5 September)

125. On 5 September, Foreign Minister David Levy warned Ireland, the current holder of the European Union rotating presidency, not to send an EU delegation to visit Orient House, the PLO headquarters in East Jerusalem. On 19 September, a similar warning was issued by the Prime Minister. (Jerusalem Post, 6, 20 September)

126. On 6 September, it was reported that the Israeli authorities had barred thousands of Muslim worshippers from the West Bank and the Gaza Strip from entering the City of Jerusalem for Friday prayers at the Al-Aqsa Mosque on 30 August. Earlier in the week, President Arafat had called upon Palestinians to protest against Israel's settlement policies by attending prayers in Jerusalem. Muslims were urged to go on Friday, 30 August and Christians on Sunday, 1 September. (The Jerusalem Times, 6 September)

127. On 10 September, police arrested 253 residents of the territories who were staying in Israel illegally. Scores of police, border policemen and detectives from the Ha'amakim district took part in the wide-scale operation. All those arrested were expected to be sent back to the territories. (Ha'aretz, Jerusalem Post, 11 September)

128. On 12 September, Peace Watch issued a report according to which the number of Israelis killed in "terrorist" attacks had slightly decreased in the third year since the signing of the Declaration of Principles between Israel and the PLO in September 1993. According to the report, 75 Israelis were killed in attacks in the territories and Israel between 9 September 1995 and 8 September 1996, as compared with 83 during the same period in 1994-1995. Out of the 75 Israelis who had been killed over the previous year, 60 were killed in five suicide attacks that took place in February and March. The report further pointed out that the number of Israelis killed in "terrorist" attacks inside the territories had decreased since the signing of the Declaration of Principles. (Ha'aretz, 13 September)

129. On 13 September, a spokesman for the Israeli Army stated that a full closure of the West Bank and Gaza Strip would go into effect from 13 to 15 September. The complete closure was part of the exceptional security measures taken by the Israeli authorities on the eve of the Jewish New Year. (The Jerusalem Times, 13 September)

130. On 13 September, a report by the Gaza Centre for Rights and Law disclosed that the Israeli forces had killed 123 Palestinians in Gaza since the Oslo Accords had been signed three years previously. The statistics included those killed during suicide operations and 15 Palestinians killed by Israel's Special Forces. Israel was also responsible for wounding 16,011 Palestinians in the Gaza Strip during the same period. (The Jerusalem Times, 13 September)

131. On 18 September, the Israeli Minister of Defence, Yitzhak Mordechai, authorized a plan for the construction of 1,800 housing units in the West Bank. They were to be built on land confiscated from Deir Qiddies and Naalin, west of Ramallah, paving the way for the arrival of 10,000 new settlers. Mordechai's decision provoked vehement reactions from both Palestinian circles and Israeli peace activists. A spokesman for the Ministry of Defence commented that the settlement plans had been authorized by the previous Government and were merely being reconfirmed. In a statement on Israeli Radio, the head of the West Bank Council of Settlers, Pinhas Wallerstein, announced that the new housing units would be built in Matetyahu, a settlement for religious Jews situated close to the ceasefire lines of 1948. (The Jerusalem Times, 20 September)

2. Incidents resulting from the occupation

Oral evidence

132. Mr. Fuad Issa Abu-Hamed, a fieldworker at B'tselem, the Israeli information centre for human rights in the occupied territories, stated the following regarding violence in the territories:

"Obviously, the level of violence in the occupied Arab territories has dropped last year, with the new situation and the establishment of the Palestinian Authority in some of the main towns of the West Bank. This has prevented the direct frictions between large sectors of the Palestinian people and the Israeli authorities. It has prevented direct clashes. But other violations have taken place and they have greatly increased last year." (Mr. Fuad Issa Abu-

Hamed, witness no. 2, A/AC.145/RT.690)

133. Mr. Abu-Hamed provided the Special Committee with the following figures on the total number of persons killed in the occupied territories and in Israel since the beginning of the intifadah in December 1987:

"In the occupied Arab territories, the number of persons killed at the hands of the Israeli forces amounts to 1,249. The figures can be detailed as follows: 1,212 persons were killed by live ammunition, 37 persons were killed after beatings and the like, 262 children under 16 were killed, of whom 68 were under 12 and 194 between 13 and 16 years of age; 103 Palestinians were killed at the hands of Israeli citizens; 28 were killed by persons collaborating with the Israeli authorities; 77 Israeli citizens, 68 members of the security forces and 3 foreign citizens were killed by Palestinians; 5 members of the Palestinian police were killed by the Israeli security forces and 1 Israeli citizen, member of the Israeli security forces, was killed by the Palestinian police forces. This is the data available covering the occupied Arab territories.

"Inside Israel since the beginning of the intifada, that is since December 1987, until May 1996, 144 Israeli citizens, 17 foreign citizens and 56 members of the security forces were killed by inhabitants of the West Bank; 28 Palestinians from the West Bank were killed by the Israeli security forces and 23 by Israeli citizens." (Ibid.)

134. A representative of Physicians for Human Rights provided the Special Committee with the following information:

"According to the statistics from Palestinian sources available to the Association of Physicians for Human Rights, since the beginning of the uprising until now, that is in the last 10 years, about 100,000 Palestinians were injured and handicapped. Many of these people are in need of surgical operations. Thousands of them are in need of rehabilitation.

"Attempts are being made by Israel to promulgate a law - and unfortunately, with the new Government, we are afraid that this law might get through - with a view to not granting any compensation to such victims of injuries. Our association is of the opinion that such a law, which would prevent Palestinians injured during the years of the uprising to present claims to the court and ask for compensation, is not only a violation of human rights, a violation of the right to ask for compensation after an injury, but it would also have a negative impact on the possibility for the victims to get rehabilitation treatment.

"I would like to mention also that during all the years of occupation, Israel has not made any investment in order to develop the health machinery in general in the occupied territories and to develop rehabilitation centres in particular. There are no centres actually that can give help to injured patients, especially those who have had head injuries." (Mr. Salah Haj Yehya, witness no. 12, A/AC.145/RT.694)

135. Mr. Fuad Issa Abu-Hamed, the B'tselem fieldworker, described to the Special Committee the killing by an Israeli settler of a 14-year-old Palestinian boy:

"Last year, there has been a decrease in the number of Palestinians killed. I will give you two specific examples. The first example is the murder of a boy named Mohammed Al-Ramahi, aged 14. He was killed on 3 November 1995. He lived in the refugee camp of Al-Garazon in Ramallah. He had gone to a farm not far from the refugee camp to buy eggs for his family. An Israeli settler, who was on the Nablus-Ramallah road, fired at him at a range of less than 25

metres, killing him. Mohammed had been accompanied by two friends, who escaped unharmed. In our capacity as B'Tselem, we asked for an investigation into this incident, especially in view of the fact that the settler had fled. The Israeli armed forces who were stationed on the mountain at the time - and I believe they witnessed the incident - did not pursue and catch the settler. But they stormed the refugee camp and took away the body of the boy, to give him back to his family two days later." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

136. Mr. Abu-Hamed was himself an eyewitness to the killing of a 19-year-old in Nablus on 24 September 1995:

"On 24 September 1995, while I was in the town of Nablus in order to investigate incidents that had taken place there, with my own eyes I saw the murder of Omar Ali Tanbur, aged 19. With a colleague of mine who is a journalist, I was going through the centre of town. Some clashes were taking place and I saw Israeli soldiers firing at the demonstrators, at a range of over 100 metres. All of a sudden, I saw a young man fall to the ground. I was about 20 metres away from him and tried to approach him, but there was a heavy exchange of fire. Some people took him away and rushed him to hospital. I was later on informed of his death. He was shot from behind. He had had no part whatsoever in the clashes and had not been throwing stones. He died simply because he was walking on the street." (Ibid.)

137. Testimonies relating to the incidents linked with the popular uprising may be found in documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), and A/AC.145/RT.694 (Mr. Salah Haj Yehya).

(a) List of Palestinians killed by troops or Israeli civilians

Written information

138. The following abbreviations of the names of newspaper are used in the tables:

H: Ha'aretz,

JP: Jerusalem Post

JT: The Jerusalem Times

Date	Name and age	Place of residence	Remarks and source
5 June	Hanna Abu Alona, 18	Khan Younis	Shot dead by IDF soldiers after he ignored an order to halt at an army outpost near Khan Younis. (H, JP, 6 June)
5 June	Atiyeh Ismail Abu Samra, 20	Khan Younis	Shot by Israeli soldiers, (JT, 7 June)
6 June	Da'ud Yacoub Shwaiki, 28	Ras el Amud neighbourhood (East Jerusalem)	Shot dead by border policemen who mistakenly believed he intended to attack them. (H, JT, 7 June)

(b) List of other Palestinians killed as a result of the occupation

Date	Name and age	Place of residence	Remarks and source
25 April	(Not reported)	Umm Tuba village	Suicide bomber. Killed when explosives he was handling detonated accidentally in the village of Umm Tuba in southern Jerusalem (H, JP, April)
1 July	Saleh A-Teha'ina	Not reported	Wanted Islamic Jihad activist, responsible for a series of attacks against the IDF in the West Bank in which no soldiers were killed. Sentenced to 30 years' imprisonment in Israel for shooting at soldiers and for belonging to the Islamic Jihad. Escaped from Nafha Prison in 1995. Found murdered in a house he was hiding in, in Al-Bireh. The Israeli security forces denied any involvement in the killing, suggesting that it was motivated by an internal conflict between Hamas and the Islamic Jihad. Palestinian Authority sources estimated that he was murdered by Islamic Jihad activists with whom he had fallen out. No organization claimed responsibility for the murder. The Islamic Jihad and the victim's family accused Israeli collaborators of the murder. (H, 5 July)
14 July	Nasser el Masalmeh, 31	Beer Sheva	GSS collaborator. Moved to Beer Sheva as part of a rehabilitation programme. Shot dead by unidentified gunmen in his home in Beit Awa, west of Hebron. (H, 18 July)
14 July	Hader Hamdan el Masalmeh, 25	Bethlehem	Relative of a GSS collaborator. Killed when unidentified gunmen opened fire at his home in Beit Awa, west of Hebron. (H, 18 July)

(c) Other incidents

Written information

139. On 2 April 1996, three incendiary bottles were thrown at an uninhabited house in the Katzir settlement, in Wadi Ara, which is located on the Green Line. The bottles exploded but there were no casualties. In another incident in Hebron, an incendiary bottle was thrown at an Israeli vehicle, without causing any casualties. Border police responded by firing in the air and IDF troops launched searches in the area. (Ha'aretz, 3 April)

140. On 3 April, two border policemen were slightly injured by stones on their way to Joseph's Tomb in Nablus. Two incendiary bottles were thrown at an Israeli vehicle in the Ramallah area; no damage or injuries were reported. IDF troops launched searches in the area. In separate developments, military sources reported that the army had reinforced its patrols along the Gaza Strip and had strengthened roadblocks in Judea and Samaria (West Bank) following renewed threats by Hamas to carry out more attacks against Israeli targets. (Ha'aretz, Jerusalem Post, 5 April)

141. On 5 April, a number of incidents were reported in the territories: two border policemen were slightly injured by stones in the Hebron area; an explosive device was thrown at an IDF vehicle in Hebron, without causing any damage or injuries; IDF troops launched searches in the area. In another development in the Hebron area, IDF troops arrested three Palestinian youths on suspicion of

belonging to or assisting "hostile" organizations. (Ha'aretz, 7 April)

142. On 7 April, one Israeli was moderately wounded while four others were slightly wounded when several incendiary bottles were thrown at a bus near Hebron. (Ha'aretz, 8 April)

143. On 8 April, police and border police forces thwarted an attempt by several members of the Temple Mount Faithful to enter the Temple Mount compound in order to pray there. In addition, the police arrested 10 activists of the extreme right-wing movement Hay Vekayam who also tried to enter the Temple Mount area as well as four Kach activists who distributed propaganda material nearby. (Ha'aretz, 9 April)

144. On 12 April, a "terrorist" critically injured himself when a bomb he was handling exploded prematurely in a hotel on Salah A-Din Street in East Jerusalem. Police sources indicated that the "terrorist" may have been on his way to carry out a bomb attack against a Jewish target in West Jerusalem or may have been preparing to hand over the bomb to another "terrorist". (Jerusalem Post, 14 April)

145. On 12 April, a man lost both his legs and one hand when a bomb he was handling exploded at the Lawrence Hotel in East Jerusalem. Intelligence sources indicated that the man, a Palestinian, had intended to blow up the Al-Aqsa Mosque. According to Arab newspapers, the man was a British Jew. The Israeli police have resorted to the use of a court order to prevent the publication of information concerning the bomber's identity. (The Jerusalem Times, 19 April)

146. On 12 April, a 13-year-old youth tried to stab an Israeli soldier at the A-Ram roadblock. The youth was subsequently taken to the Russian Compound for questioning. (The Jerusalem Times, 19 April)

147. On 14 April, a 13-year-old Palestinian boy from the village of A-Ram in northern Jerusalem tried to stab an Israeli soldier with a pocket knife at the A-Ram roadblock. The soldier was not injured. The youth was subsequently detained for interrogation. (Ha'aretz, 15 April)

148. On 15 April, security forces arrested five Palestinian residents of Judea and Samaria (West Bank) on suspicion of belonging to "terrorist" organizations. Three were arrested in the Jenin area and two near Bethlehem. (Jerusalem Post, 18 April)

149. On 18 April, Palestinian police arrested the members of a Hamas cell who intended to carry out an attack in Israel. Palestinian security sources reported that the activists had been detained in the Bethlehem area and were in possession of five mines. According to the same source, the activists had been detained two hours before they had planned to carry out the attack. (Ha'aretz, 19 April)

150. On 20 April, an IDF soldier was slightly injured when he was attacked by a Palestinian at an army outpost near the Gush Katif junction. The incident occurred when the Palestinian refused to identify himself and attacked the soldier on the face with a knife. The assailant was arrested. (Ha'aretz, 21 April)

151. On 23 April, a small pipe bomb exploded near the Interior Ministry offices in East Jerusalem in what the police believed was a "terrorist" incident. A parked car was slightly damaged but no injuries were reported. (Ha'aretz, 24 and 26 April; Jerusalem Post, 26 April)

152. On 24 April, a spokesman for the Israeli authorities stated that a small bomb had exploded in a pipe outside the offices of the Ministry of the Interior in East Jerusalem. A car was slightly damaged by the explosion. (The Jerusalem Times, 26 April)

153. On 25 April, a "terrorist" who was apparently ready to carry out a suicide mission was killed (see list) when 10 kilograms of explosive he was handling detonated accidentally in the Umm Tuba

village in southern Jerusalem. The Jerusalem Police Chief speculated that the fact that the "terrorist" was wearing an IDF uniform suggested that he had either planned to blow himself up at an IDF hitchhiking post or on a bus. (Ha'aretz, Jerusalem Post, 26 April)

154. On 30 April, two Israelis were slightly injured on the outskirts of Hebron when a Palestinian-owned vehicle forced their vehicle to the side of the road. The vehicle rolled over several times and sustained considerable damage. The police and the IDF were investigating whether the incident was nationalistically motivated. A number of other incidents were reported in the Hebron area, including two incidents in which stones were thrown at an IDF vehicle without causing any damage or casualties. An incident in which stones were thrown at an Israeli vehicle also took place in Ramallah. (Ha'aretz, 1 May)

155. On 1 May, a 72-year-old settler from Kiryat Arba was seriously wounded when he was stabbed in the back with a butcher knife while shopping in the Hebron area. The assailant, a Palestinian from the Bethlehem area, managed to escape but was captured by the Palestinian police two days later. The attack occurred as numerous settlers from Hebron and Kiryat Arba were leaving for Jerusalem to stage a demonstration against the planned IDF withdrawal from most of Hebron. (Ha'aretz, 2 and 5 May; Jerusalem Post, 2 May)

156. On 3 May, a taxi driver was stabbed and slightly injured by two Palestinians near Tulkarm. Security forces arrived on the scene, treated the driver and began searches for the assailants. (Jerusalem Post, 5 May)

157. On 4 May, a "terrorist" cell opened fire at a joint border police and Palestinian Authority patrol near the Dheisheh refugee camp (West Bank); no harm or injuries were reported. In another incident, the security authorities arrested in the Hebron and the Ramallah areas three Palestinians who were suspected of involvement in "terrorist" activities. Three incidents in which stones were thrown at IDF vehicles were reported at the entrance to Hebron. In the Tulkarm area, two Palestinian youths attacked a 60-year-old Israeli, took possession of his vehicle and tried to run him over with it. The Judea and Samaria (West Bank) district police spokesman reported that the incident was criminally motivated. (Ha'aretz, 5 May)

158. On 7 May, the Jerusalem police announced that they had uncovered a Palestinian Authority police station in East Jerusalem and detained two senior Palestinian security officials and a number of Palestinians suspected of being Palestinian Authority policemen in the City. A police spokesman stated that the station had been closed and that documents linking the suspects with the kidnapping of Palestinian residents suspected of criminal offences had been confiscated. (Ha'aretz, Jerusalem Post, 8 May)

159. On 7 May, 11 Palestinians were reportedly injured during clashes with the Israeli forces in Kalkiliya. The incident occurred when hundreds of Palestinians arrived in the area to stop bulldozers from levelling confiscated land. (The Jerusalem Times, 10 May)

160. On 8 May, a conflict broke out between IDF soldiers and Palestinian policemen in the Netzarim settlement in the Gaza Strip. The incident began when 15 Palestinian policemen positioned themselves near the entrance to the settlement and refused to leave. Soldiers called in reinforcements, verbal abuses were exchanged and at one point there were fears that the policemen might use their weapons. The confrontation was brought to an end when a senior Palestinian Authority official arrived on the scene and ordered the policemen to leave. (Ha'aretz, 9 May)

161. On 9 May, dozens of Arab youths threw stones at police forces in the vicinity of the Nablus Gate in the Old City of Jerusalem. One demonstrator was slightly injured by a gunshot when the police dispersed the demonstration. Two border policemen were slightly injured during a stone-throwing incident in the Hebron area. Two Palestinians from Kalkiliya were injured by gas inhalation when soldiers dispersed a demonstration against the construction of a fence between

Tulkarm and Kalkiliya. (Ha'aretz, 10 May)

162. On 10 May, two border policemen were injured during a stone-throwing incident near Hebron. Other incidents in which stones were thrown at Israeli vehicles occurred in Ramallah. In a separate incident, the Palestinian police opened fire at an Israeli truck in area A near Bethlehem. The driver was slightly injured by glass splinters. The Palestinian police claimed that they had found the vehicle suspicious and had opened fire after the driver ignored orders to halt. The IDF stated that it considered the incident closed after the Palestinian police admitted that the shooting had been a grave incident and agreed to punish those responsible. In a separate development, the IDF continued to round up Islamic Jihad and Hamas activists. (Ha'aretz, Jerusalem Post, 12 May)

163. On 10 May, the security forces revealed that they had uncovered a Hamas "terrorist" cell in East Jerusalem whose 11 members had taken advantage of the fact that they had Israeli identity cards in order to assist the suicide bombers who carried out the Jerusalem and Ashkelon bombing attacks in February and March. (Ha'aretz, Jerusalem Post, 10 May)

164. On 10 May, an Israeli soldier shot in the head Ghazi Zaloum, 45. The incident occurred in Jerusalem when Zaloum intervened to stop a number of soldiers from harassing a youth who they claimed did not have an identity card. When Zaloum refused to stay away, the soldier opened fire at him. (The Jerusalem Times, 17 May)

165. On 11 May, a petrol bomb was thrown at an Israeli vehicle on the Ramallah bypass road near the Kochav Yaacov settlement. (Jerusalem Post, 14 May)

166. On 12 May, an IDF soldier and a policeman suffered slight to moderate wounds when a fire-bomb was tossed at their civilian car on the Ramallah bypass road. Another fire-bomb was thrown at a border police foot patrol near the Cave of the Patriarchs (Ibrahimi Mosque) in Hebron; no injuries were reported. (Ha'aretz, Jerusalem Post, 13 May)

167. On 13 May, a 17-year-old yeshiva student was shot dead, another yeshiva student was fatally wounded and two women were injured when "terrorists" opened fire from a speeding car first on a bus north of Ramallah and then at students waiting at a hitchhiking post in front of the Beit El settlement. According to the IDF, the first attack occurred when the "terrorists" opened fire at a Binyamin Regional Council bus that was bringing workers from the Civil Administration building near the Judea and Samaria (West Bank) junction to Jerusalem. The second attack took place when the "terrorists" continued to drive for another few hundred metres and fired at the yeshiva students. In another development, the security authorities arrested nine Hamas and Islamic Jihad activists in the West Bank. Ammunition was also discovered during searches. In a separate development, the police revealed that a suicide bombing had been averted when a Palestinian "terrorist" trained in Damascus by the Islamic Jihad was captured by the GSS and the police in Jerusalem on 10 May. A police spokesman reported that the suspect had told interrogators that he had planned to carry out a suicide bombing at a crowded location in Israel. (Jerusalem Post, 14 May; Ha'aretz, 15 May)

168. On 14 May, five incidents in which stones were thrown at IDF vehicles occurred in the Hebron area; no harm or injuries were reported. In Tulkarm, soldiers opened fire at the vehicle of an Israeli Arab who drove through an IDF roadblock and ignored orders to halt. The soldiers first fired in the air and subsequently at the wheels of the vehicle. The driver managed to escape but was later detained for questioning by the Palestinian police. (Ha'aretz, 15 May)

169. On 16 May, it was reported that two suspected Hamas suicide bombers from Dhahiriya had been apprehended by the IDF and the GSS. (Jerusalem Post, 17 May)

170. On 17 May, IDF soldiers shot and captured in Hebron a high-ranking wanted Hamas fugitive who was held responsible for organizing three recent bus bombings. Army Radio reported that a fleeing bystander was also shot in the leg when he ignored orders to halt. It later turned out that the

bystander was deaf. Following the arrest, IDF began rounding up suspected "terrorists": on 18 May, troops raided Dura village, arresting eight suspected Hamas and Islamic Jihad members. The army also reinforced its patrols in the downtown Hebron market, searching Palestinians and their vehicles. Security sources warned that there were still 20 fugitives at large who were planning attacks against Israel. Meanwhile, Izz al-Din al-Qassam, the military wing of Hamas, vowed to avenge the shooting and arrest of the Hamas fugitive. (Ha'aretz, Jerusalem Post, 19 May)

171. On 20 May, the IDF and the security forces made extensive arrests of activists suspected of belonging to extremist Islamic organizations and of assisting hostile elements. The arrests were made following information obtained during the interrogation of the wanted high-ranking Hamas fugitive who was arrested three days earlier. (Ha'aretz, 21 May)

172. On 24 May, hundreds of Jewish worshippers went on a rampage in the Old City of Jerusalem, attacking and beating Arab bystanders and damaging Arab property. During the unprovoked rioting, the worshippers broke car and shop windows and destroyed merchandise in stores outside the Damascus Gate. The worshippers, who demanded that Palestinians close their shops because of the Jewish holiday of Shavuot, threw stones and empty bottles at Palestinian merchants and shouted "Death to the Arabs". They also turned over vendors' stalls and pushed and shoved Arab bystanders. Large numbers of police and border police were called to the area. They dispersed the rioters without making any arrests. A Jerusalem police spokesman reported that some 25 complaints had been filed with the police for damage caused by the rioting, representing only a small number of the actual cases. The merchants and car owners whose property had been damaged during the riot complained that they would not be able to receive any compensation because the income tax authorities refused to recognize the damage incurred. In response, Environment Minister Yossi Sarid stated that he would raise the issue at the weekly Cabinet meeting. Mr. Sarid stated that it was unacceptable that only Jewish victims of Arab rioting should be entitled to compensation. (Ha'aretz, Jerusalem Post, 26 May)

173. On 24 May, shots were fired at an IDF post in Gush Katif without causing any damage or injuries. Soldiers launched searches for the perpetrators and were later joined by the Palestinian police. (Jerusalem Post, 25 May)

174. On 27 May, Palestinian security sources reported that IDF soldiers disguised as Arabs had arrested a wanted Hamas activist in Hebron. The same sources stated that the undercover unit assisted by the border police had apprehended the 27-year-old activist who had been in hiding for four months. Meanwhile, Palestinian police handed over to the IDF explosives confiscated in raids against Muslim extremists. These included two pipe bombs, 10 fragmentation grenades, explosives and mortar shells. (Jerusalem Post, 29 May)

175. On 28 May, the security forces arrested nine Palestinians suspected of belonging to Hamas and the Islamic Jihad. Five were apprehended in the Jenin area, three in Hebron and one near Tulkarm. (Jerusalem Post, 29 May)

176. On 3 June, four Israeli telephone technicians were slightly wounded in the Salfit area in Samaria (northern West Bank) when a remote-controlled pipe bomb exploded as they were about to repair a line on the Aber As-Samerah main road near a Palestinian village. Following the incident, the IDF launched widespread searches and arrested several suspects. Two incidents in which stones were thrown at IDF vehicles occurred in the Hebron area; no harm or injuries were reported. A border policeman was slightly injured in the vicinity of the Cave of the Patriarchs (Ibrahimi Mosque) in Hebron. In another development, the IDF reinforced its patrols along roads in the Hebron, Ramallah and Nablus areas as it continued with widespread arrests of Islamic Jihad and Hamas activists. (Ha'aretz, Jerusalem Post, 4 June; The Jerusalem Times, 7 June)

177. On 4 June, a Palestinian stole the personal weapon of a soldier who had fallen asleep while on guard duty at the border with the Gaza Strip. The Palestinian police captured the offender and

returned the weapon to the IDF. (Ha'aretz, 5 June)

178. On 5 June, IDF soldiers shot dead an 18-year-old Palestinian (see list) near the Gush Katif settlement after he had ignored an order to halt near an IDF outpost west of Khan Younis. Army sources reported that the youth ran towards the outpost and failed to heed warnings to stop. The soldiers, who feared that the young man was carrying explosives, first fired in the air and subsequently shot him. The youth was shot in the heart when he appeared to be approaching the settlement. Palestinian sources reported that the Israeli forces had shouted no warning to the youth before shooting him. In another incident in the Ramallah area, the IDF arrested five Palestinians on suspicion that they belonged to Hamas. (Ha'aretz, Jerusalem Post, 6 June; also referred to in The Jerusalem Times, 7 June)

179. On 6 June, border policemen carrying out operational activities in the Ras el Amud neighbourhood on the southern outskirts of East Jerusalem shot dead a 28-year-old Palestinian at the Ras Al Amud barrier (see list) who they mistakenly believed intended to attack them, moderately wounding his 18-year-old brother. The soldier claimed that the youth was carrying a gun and had failed to obey orders to halt. No gun was found on the youth at the morgue. According to their family, the two brothers and their father went down into the street after hearing suspicious noises. The older brother approached a vehicle parked near their home to check who was inside and was shot twice. Another shot was fired without warning at the other brother, who was injured in the chest. (Ha'aretz, 7 June; also referred to in The Jerusalem Times, 7 June)

180. On 8 June, a resident of the Jewish quarter of the Old City of Jerusalem was slightly injured when he was attacked by an unknown assailant near his home. A border policeman was slightly injured during a stone-throwing incident in the Ramallah area. Three other stone-throwing incidents took place in the vicinity of the Cave of the Patriarchs (Ibrahimi Mosque); no injuries were reported. (Ha'aretz, 9 June)

181. On 9 June, gunmen opened fire at an Israeli vehicle in the Bet Shemesh area, from a speeding car killing an Israeli couple. Their seven-month-old daughter who was also in the car was unharmed. The police chief stated that the incident was probably a "terrorist" attack. The police believed that the vehicle of the gunmen had entered Israel from the West Bank and that it had subsequently returned to the West Bank. (Ha'aretz, 10 June)

182. On 9 June, two settlers from the Kiryat Arba settlement were killed near the town of Kufur Zakariya, south of Jerusalem, in a drive-by shooting. The Israeli authorities attributed the shooting to a PFLP cell. (The Jerusalem Times, 14 June)

183. On 10 June, the IDF fired at and injured a Palestinian youth, Imad Al Tawil, 24, in the market opposite the Israeli settlement of Beit Romano. According to eyewitnesses, Al Tawil was severely beaten by the soldiers after refusing to give one of them a cigarette. Similar incidents but with no shooting were also reported. (The Jerusalem Times, 14 June)

184. On 14 June, an IDF soldier was shot and slightly wounded near Nablus when his patrol tried to detain an armed man who opened fire. (Jerusalem Post, 16 June)

185. On 16 June, a Palestinian "terrorist" shot and killed an off-duty Israeli policeman and moderately wounded his wife in a toy shop in the village of Bidiya near the Ariel settlement. The couple's 18-month-old son who was with them was not injured. A police spokesman stated that the family had gone to the store in violation of regulations forbidding policemen who are off duty to go to stores in Palestinian towns and villages. (Ha'aretz, Jerusalem Post, 17 June; also referred to in The Jerusalem Times, 28 June)

186. On 18 and 19 June, several incidents were reported in Hebron. A 14-year-old boy, Maamoun Al Bayed, was slightly injured when a car driven by a settler hit him. Eyewitnesses confirmed that the

settler ran over Al Bayed intentionally. Settlers opened fire at a Palestinian bus. No one was injured. At the same time, Israeli soldiers opened fire at a taxi in the Ras Al Jora area of Hebron. Two passengers were arrested and the car was destroyed in an intentional explosion. (The Jerusalem Times, 21 June)

187. On 19 June, confrontations erupted between the residents of the Kalandia refugee camp and Israeli soldiers after attempts were made by the soldiers to remove street carts from the area. Two Palestinians were reportedly injured, while two were arrested. (The Jerusalem Times, 21 June)

188. On 22 June, clashes took place in the town of Samu, south of Hebron, when residents confronted the IDF in an attempt to prevent the confiscation of their land. Palestinian youths set fire to four Israeli bulldozers. (The Jerusalem Times, 28 June)

189. On 23 June, an Israeli woman and her baby were slightly injured when their car was stoned some 150 metres north of the Gush Katif junction. (Jerusalem Post, 24 June)

190. On 25 June, a number of incidents took place in the territories, in particular in Hebron. During one incident, two Palestinians were detained after throwing stones at border policemen; no harm or injuries were reported. (Ha'aretz, 26 June)

191. On 26 June, three Israeli soldiers were killed and two others were slightly wounded when gunmen opened fire at an IDF patrol from an ambush near the River Jordan. Afterwards, the gunmen reportedly fled to Jordan. According to a report by the Associated Press, a Damascus-based splinter group of the Fatah claimed responsibility for the killings, stating that the attack was in protest against the peace accords between Israel and the PLO. (Ha'aretz, Jerusalem Post, 27 June)

192. On 28 June, it was reported that more than 60 residents of Bidya had been arrested since the town was placed under curfew on 16 June. The IDF reportedly also smashed cars and attacked youths. (The Jerusalem Times, 28 June)

193. On 4 July, thousands of Palestinians from the village of Silat el Harithiyah (Jenin area) took part in the funeral of a wanted Islamic Jihad activist who had been found murdered (see list) in a house in El Bireh (West Bank) a day earlier. A police spokesman stated that the activist had been murdered in his bed with a knife on 1 July. Security sources suggested that the murder was motivated by an internal conflict between the Islamic Jihad and Hamas. The Islamic Jihad and the victim's family blamed Israel and its collaborators for the murder. Palestinian and Islamic Jihad flags were flown at the funeral and mourners called for an attack to avenge the killing. In another development, six-month administrative detention orders were issued against three male residents of the village of Beit Ummar (Hebron area) who were suspected of belonging to the PFLP. The men were arrested on 25 June during a raid on their home. Three other residents who were also arrested during the raid were detained for interrogation. (Ha'aretz, 5 July)

194. On 5 July, the Fatah Hawks in Gaza distributed a leaflet warning of attacks against Israelis if an activist arrested by the GSS three days earlier was not released. The activist was arrested at the Rafah terminal on suspicion of killing an Israeli in 1993. (Jerusalem Post, 7 July)

195. On 6 July, a series of incidents were reported in the territories: an IDF soldier suffered minor scratches when an empty bottle was thrown at him in Hebron. Two incidents in which stones were thrown at IDF vehicles took place in the Ramallah area without causing any damage or injuries. A border policeman was slightly injured near Hebron. (Ha'aretz, 7 July)

196. On 10 July, an explosive device was thrown at an IDF outpost in the Bab A-Zawiya neighbourhood of Hebron. The device was detonated by an IDF bomb-disposal expert without causing any injuries. In a separate incident in Hebron, violent clashes erupted between IDF soldiers and Palestinian residents. Palestinian youths threw stones and empty bottles at the soldiers; no

injuries were reported. The Palestinians stated that they wanted to protest against President Clinton's biased conduct in favour of Israel during his meeting with Benjamin Netanyahu the day before. (Ha'aretz, 11 July)

197. On 11 July, IDF soldiers clashed with Palestinian labourers from the West Bank who threw stones at them and tried to enter Israel without permits. A Palestinian doctor reported that he had treated some 30 labourers who had been injured by tear-gas inhalation during the clashes, which occurred near Tulkarm. According to the doctor, a woman from Jenin who suffered from respiratory problems was in serious condition. (Ha'aretz, 12 July)

198. On 12 July, an incendiary bottle was thrown at an Israeli vehicle in Gush Katif. The bottle exploded on the ground without causing any damage or injuries. The security forces launched searches in the area but made no arrests. (Ha'aretz, 14 July)

199. On 14 July, a number of incidents were reported in the territories; three stone-throwing incidents occurred in the Hebron area, without causing any damage or injuries. Other incidents in which stones and empty bottles were thrown at Israeli vehicles took place on the Ramallah bypass road; no damage or injuries were reported. In a separate development, the IDF and the GSS continued their campaign of arrests in the West Bank; more than 150 Palestinians suspected of involvement with the Hamas, Islamic Jihad and the PFLP had been arrested during the previous two weeks. Administrative detention orders were issued against 50 of them while the others were still undergoing interrogation. (Ha'aretz, 15 July)

200. On 16 July, unidentified gunmen arrived at the home of a GSS collaborator in Beit Awa and opened fire through the windows, killing the collaborator and his brother-in-law (see list). Another family member was slightly injured by the gunshots and was transferred to a hospital in Hebron. The gunmen managed to escape. (Ha'aretz, 18 July)

201. On 19 July, Jewish settlers attacked demonstrators in the village of Qaryut. The villagers were holding a peaceful demonstration to protest against settler activities in their area. According to a report by the Palestine Society for the Protection of Human Rights and of the Environment, formerly the Land and Water Establishment for Studies and Legal Services, the IDF did nothing to prevent the settlers from trespassing on Palestinian land. The report indicated that the settlers had encroached on village property wielding canes, water pipes and automatic weapons while the soldiers watched without intervening. (The Jerusalem Times, 26 July)

202. On 23 July, an Israeli stabbed a Palestinian mechanic in the Shu'fat refugee camp, prompting residents to throw stones at him until the police came to arrest him. A police spokesman reported that the Israeli had asked the mechanic to fix a puncture in his tyre but when the latter declined on the grounds that the garage was about to close, the Israeli took out a knife and stabbed him. The assailant was reportedly placed in custody. (Jerusalem Post, 24 July)

203. On 26 July, "terrorists" opened fire from a speeding car at an Israeli vehicle near Beit Shemesh, killing an Israeli woman and her father-in-law and seriously injuring her husband, who died of his wounds two days later. The attack was carried out only 2 kilometres from the site of a similar attack that had taken place in June in which two Israelis were killed. Security officials believed that the same "terror" cell from Hebron, affiliated with the PFLP, was responsible for the attacks. The Cabinet issued a statement demanding that the Palestinian Authority take measures against all groups involved in "terrorism". In addition, Prime Minister Netanyahu stated that no restrictions would be imposed on the activities of the Israeli security forces. (Ha'aretz, Jerusalem Post, 28 and 29 July)

204. On 28 July, a drive-by shooting incident took place in the Beit Shemesh area within the Green Line, resulting in the death of three Israelis. The road was part of a network of roads that lead to the settlement of Kiryat Arba near Hebron. The shooting was believed to be the work of an armed cell from Halhul. Hebron was cut off from the rest of the West Bank throughout the weekend. (The

Jerusalem Times, 2 August)

205. On 1 August, the IDF closed down an Israeli-owned quarry in the Hebron hills after four armed Palestinians had assaulted the guards and stolen automobile parts and equipment. (Jerusalem Post, 2 August)

206. On 7 August, a reserve soldier was slightly injured when stones were thrown at an IDF vehicle he was travelling in near Ramallah. A border policeman was slightly injured during a stone-throwing incident in the Hebron area. Other stone-throwing incidents took place on roads in the Hebron area, with no injuries being reported. (Jerusalem Post, 8 August)

207. On 11 August, a number of incidents was reported in the territories: two incidents in which stones were thrown at Israeli and IDF vehicles occurred in Hebron. Two other stone-throwing incidents took place in Ramallah. No damage or injuries were reported. (Ha'aretz, 12 August)

208. On 18 August, it was reported that the IDF had uncovered an ammunition depot in the Hebron area containing numerous weapons that were destined for Hamas and the Islamic Jihad. In a separate development, 19 activists of the PFLP and the Islamic Jihad were arrested in the Hebron area and nearby villages. According to a security source, Hamas, the PFLP and the Islamic Jihad had extensive infrastructures in the area from which they launched attacks against Israelis. (Ha'aretz, 18 August)

209. On 28 August, gunmen opened fire at an Egged company bus travelling on the bypass road leading to Gush Etzion, slightly injuring two Israeli passengers. The PFLP claimed responsibility for the attack, which occurred after Palestinian Authority Chairman Yasser Arafat had attacked Israeli policies as amounting to a declaration of war against the Palestinian people. (Ha'aretz, Jerusalem Post, 29 August)

210. On 29 August, a bus driver was slightly injured when stones were thrown at his bus in Beit Umar near Hebron. Security sources reported that a large number of other stone-throwing incidents had occurred in the territories, especially along the bypass roads near Halhul and Ramallah, but had resulted in no damage or injuries. In another development, the IDF detonated ammunition at a large dump in Deir Balut near Tulkarm. The dump contained mortars and anti-tank grenades. The IDF also confiscated some 400 bullets found at the site. In a separate development, the IDF reinforced a number of troop units and deployed them throughout the West Bank with instructions to deal quickly and harshly with any unrest following Yasser Arafat's call for protest against the Government's policy of settlement construction and the demolition of Palestinian homes. The Central Command spokesman declared that the army would deal with any unrest with an iron fist. (Ha'aretz, Jerusalem Post, 30 August)

211. On 31 August, two foreign labourers were injured when a Palestinian youth opened fire at a group of labourers in the West Bank village of Baqa esh Sharqiya. In another incident, a priest was seriously wounded when he was stabbed in the chest by four youths in the Old City of Jerusalem. Two border policemen were slightly injured during two stone-throwing incidents in Hebron. Three other stone-throwing incidents occurred on the Ramallah bypass road. According to a military source, more than 100 incidents in which stones were thrown at IDF troops and settlers had been registered in the course of the month. (Ha'aretz, 1 September)

212. On 8 September, a confrontation occurred on Mount Jerzim near Nablus when officials in the Israeli Archaeological Department and Israeli soldiers broke into a construction site in the Samaritan quarter. Three persons, including an 85-year-old Israeli woman, were injured when the soldiers threw tear-gas bombs among the residents who had arrived at the site to protest against the Israeli intrusion on Samaritan properties. (The Jerusalem Times, 13 September)

213. On 11 September, it was reported that there had recently been an increase in the number of

incidents involving the throwing of stones at soldiers in the territories. The agitation in the territories was ascribed to the non-redeployment of IDF troops in Hebron. (Ha'aretz, 11 September)

214. On 16 September, the police arrested an apparently mentally ill Jewish youth who had stabbed and slightly wounded a Palestinian woman from East Jerusalem. (Ha'aretz, 17 September)

B. Administration of justice, including the right to a fair trial

1. Palestinian population

Oral evidence

215. A Palestinian lawyer described to the Special Committee the violations committed regarding the administration of justice:

"The first violation committed by the Israelis, that is, moving the prisoners from the occupied territories to their territory, is a violation of the Fourth Geneva Convention. The second violation is that lawyers have had no access to the files or to meet the prisoners. The third violation is that for many months the families could not see their relatives - which we could call customary." (Anonymous witness No. 8, A/AC.145/RT.693)

216. The witness described in particular the situation faced by Palestinian lawyers:

"The first thing to say is that the lawyers are living in a chaotic situation. The files have been moved from one place to another. It is like somebody who has changed flat. He needs three or four months to know where he put what. So many files are missing and every day we are faced with the same problem.

"So you neither know what the confession of the prisoner is, nor do you know the charges he is accused of, until the first session - and that will take between two to five or six months. We have cases dating back December 1995 of which we still today do not know the file number.

"So, for most cases we deal with, either the file is not there when the prisoner is in the court, or the file is there, but the prisoner has not been brought to court. As a result, there is a further postponement for the case." (Ibid.)

217. The same witness elaborated further about the problem of access of lawyers to prisoners:

"The second problem today is that all prisoners are now located outside the occupied territories. All prisoners were moved from the West Bank to prisons inside Israel. This means that neither the lawyers from the West Bank nor the families have access to the prisoners.

"Thanks to the pressure we had put on the High Court, our organization succeeded in getting a permit for our lawyer, but for two periods only and each time was for only one week. So the permit was temporary and after the second renewal, it was cancelled. There was no reason for this, neither security reasons against the lawyer nor any other reasons.

"But no other lawyers managed to get a permit to enter Israel. As a result, in most of the cases handled by Palestinian lawyers carrying West Bank or Palestinian identity cards and representing a client from the West Bank, these lawyers had to give up their cases and hand them over to Israeli lawyers or to Palestinian lawyers living inside Israel or 'Jerusalemized' lawyers who have permits of the Israeli Bar Association." (Ibid.)

218. In view of the above, the witness drew the Special Committee's attention to the financial problems faced by prisoners' families:

"A lawyer from the West Bank would charge for example 300 dollars for a case, but a lawyer from inside Israel would charge 3,000 for the same case. This means that the families have to carry another big financial burden, on top of the burden of not being able to see their family members, not being allowed to attend the court meetings, not being able to choose the lawyer they want because they trust him. Thus, they have to take another lawyer who is an Israeli lawyer or affiliated with the Israeli Bar." (Ibid.)

219. The witness also spoke about the psychological effects of the relocation of detainees outside the occupied territories:

"Another issue is the fact that the interrogation system also has moved from the West Bank to Israel. Consequently, the prisoners are dealt with with the new techniques of physical pressure and psychological pressure far away from the territories. When a minor is caught in Bethlehem and taken to Ashkelon in the south, he feels that he is being taken away from his home. He is like in another country. This leaves us with many psychological consequences when the prisoners are released." (Ibid.)

220. The witness described how he viewed the administration of justice at present:

"We used to speak about the Israelis not granting fair trials in the military courts. And everybody knows that during emergency or occupation, there are no fair trials, but at least it became something that was accepted. Today, I don't call it a court at all. There is no name that you could give to those kinds of courts, those kinds of treatment." (Ibid.)

221. The Special Committee was informed about the system of administrative detention in the occupied territories:

"Today, the system of administrative detention is such that 90 per cent of the administrative detainees get an automatic renewal for another period of four to six months. I can remember that 65 administrative detainees received a renewal for the third, fourth and fifth time. But this automatic renewal shows that we need to go to the High Court, because it means that the Government does not respect the court system." (Ibid.)

222. The witness also provided the Special Committee with background information regarding administrative detention:

"Today it is the Israeli Emergency Law. The British emergency laws were incorporated into the Israeli emergency laws. Before the uprising, only a few people were arrested and put under administrative detention. The Israelis never claimed that this is accepted by the Geneva Convention. Administrative detention is to be a last resort to hold someone whom they cannot prove to be committing anything against the security of the occupation.

"During the first few years of the uprising, the law provided that only a high general commander would be allowed to issue orders of administrative detention, for a period of up to six months, to be renewed by the same military order and not automatically, after a special military committee was established inside the prison itself to listen to the appeals of the

administrative detainees.

"Later during the uprising, the law was changed in order to allow any officer with the rank of, I think, three stars, that is captain (I don't know the ranks in English), to issue a military order for up to one year automatically, with the same procedure of appeal.

"The appeal committee is a military committee, a committee of soldiers, not judges. They become judges by serving in the committee as judges. So, they could be settlers, they could be fundamentalists, they could be anyone serving in the army and by chance be given this position as a kind of lawyer. Only one person in the committee should be a judge, a real judge from a civil court." (Ibid.)

223. The witness alerted the Special Committee to the increased strictness of sentences meted out to Palestinians for certain offences since the signing of the Oslo Agreements:

"Since 1967 until the peace negotiations in Oslo, Cairo and Taba, the average sentence for stone-throwing for instance would have varied between three months and five months. Today, for the same offence, the minor is sentenced to more than 10 months. The reason behind it, as always invoked by the judge towards our lawyers, is that if anyone, whether he is a minor or an adult, commits such an offence, it means he is against the peace process, he is destroying the peace process! So the court is dealing here with a political issue. It is not a legal issue." (Ibid.)

224. The witness described to the Special Committee the justification invoked regarding the equal treatment of juvenile and adult offenders, including during interrogation:

"Also, we protested against the cancellation of a distinction in treatment between juveniles and others in the court, because there were some military orders that would give some benefits to the minors if they were below the age of 16. The judge's answer was that stone-throwing is a child's issue, is a practice of children, so you have to punish the children. You do not expect someone who is 40 years old to throw stones at the army. But, so they say, we have to punish those children, because they are the ones who throw stones at the Israelis.

"And there is no differentiation in the treatment of juveniles and adults during the interrogation period. The same techniques, the same torture procedures are used similarly for minors and adults.

"Also, the Israelis do not confer the benefits of being a minor under international law, that is rehabilitation, probation officers, education or vocational training. They do not give the minors the right to a fair trial as a juvenile before a juvenile judge. The accused minor is not interrogated while his family is attending the court. The families have no rights to intervene on behalf of their child. The lawyer is not given the right to represent a child as in a fair trial. So the whole issue of a fair trial is violated right from the beginning. The arrest procedures are violated. The moment they arrest a child at night, it is a violation. The detention facilities themselves are not prepared for juveniles." (Ibid.)

225. The witness drew the Special Committee's attention to the differentiation between Israeli juveniles and those from the occupied territories:

"The Israelis consider as minors children under the age of 13 if they are from the West Bank, under the age of 16 if they are, as Arabs, from Jerusalem or from inside Israel. If they are

Jewish, under the age of 18 they are still minors. So in the military courts in the West Bank, minors are children under the age of 13 years. Sometimes, not in the courts but in the detention facilities, children under the age of 16 are treated with some privileges. In court, it does not change anything regarding the sentences." (Ibid.)

226. The witness elaborated further upon the issue by providing the Special Committee with background information:

"Well, the Israelis should have treated the Palestinians in the occupied territories according to the Geneva Convention. This would have forced them to use the laws that existed before the night of the occupation, namely the Jordanian law in the West Bank and the Palestinian law in the Gaza Strip. But since 1967, they have issued more than 10 new military orders, amending or cancelling those laws. This means, if you look at it, that they have changed the whole system of the Jordanian juvenile justice. Also, they don't call it a juvenile justice law. This is a way of trying to separate ages. Under the age of 12, they cannot sentence any children. Under the age of 13, that is between 12 and 13, they can sentence the child for a period of six months if the crime he is accused of is sentenced for a period of less than five years. For stone-throwing, which is 3 to even 10 months as I said before, it is by law up to 10 years. So, it doesn't mean that stone-throwing is only one year. For children under the age of 13, they amended the law so that the family of the child could be fined or imprisoned for the acts of the child. This was a policy used during the period of the uprising. Between the age of 14 and 16 years, the minor is treated as a minor and is being separated from the other detainees in the detention camp. Before the court, he can be sentenced to up to 5 years if his sentence is up to 20 years. So, this is just a way of separating ages, but it doesn't mean practically making any difference between minors and adults. After the age of 16, there is no differentiation at all between a minor and an adult, in the sentence or in the place of incarceration." (Ibid.)

227. Another witness described what happens to persons when they are arrested:

"Yes, the Israeli law provides that the people should be brought to court. But as yet, nobody has been arrested and told that he has specific charges brought against him. The arrests are applied as security measures.

"The period of one or two weeks is just for questioning. Nobody is brought before a judge; nobody is brought before a court.

"People are arrested, taken directly to Al-Majdal for questioning and if something is proven against the person by way of a charge, then he is taken to court. But not before." (Anonymous witness No. 3, A/AC.145/RT.691)

228. The witness gave the example of his own detention at a prison camp where conditions of detention are reputed to be particularly harsh:

"Well, speaking of my own case, when I was arrested, I was detained for 18 days at Al-Ansar camp without being brought before a judge. It was just questioning.

"I was accused of having participated in stone-throwing incidents, or that perhaps I was hiding somebody. I was questioned on a number of similar acts. I was accused of being engaged in such acts, but these are things I had not been engaged in. After 18 days, I was officially accused of distributing leaflets. I had to sign a confession. That came after several days of torture." (Ibid.)

229. The same witness described to the Special Committee the circumstances in which he signed a confession:

"I was made to sign a statement. It was written in Hebrew. They read it aloud in Arabic and I was asked to sign.

"I was told that I had been engaged in distributing leaflets. There were four charges in the accusation paper I signed. I confessed to two of them at the beginning, but then to all four because of the torture.

"I was also accused of being a member of the Al-Fatah organization. I was accused of inciting Palestinians to engage in acts of violence against the occupation authorities. There were other charges like organizing events. In the end, I confessed to everything, in order to have the torture stop." (Ibid.)

230. The Executive Legal Director of the Society of St. Yves described the legal system applying to the occupied territories:

"In international law, they are not allowed to change the existing legal system. But they have completely ruined the civil legal framework for Palestinians in the West Bank.

"For instance, they removed the whole question of land ownership and land disposition out of the local courts and put it into the committees.

"They forge documents - and I have got cases where they have forged documents. They lie. They will destroy evidence and they will make up evidence. And so, when that is an integral part of a system, under the guise of a so-called legal system, I must say, in faith to my profession as a lawyer - not as an Israeli or anything else, but as a lawyer - this is not a legal system. This is sheer force and violence and it is probably no different to, and in fact I think that it is worse than what happened in South Africa under apartheid." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

231. Accounts of the administration of justice in the occupied territories may be found in documents A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer).

Written information

232. On 1 April 1996, an Israeli district court decided to postpone until 13 May a decision to authorize the confiscation of the land belonging to two Palestinian residents, Abu Ghneim and Um Tuba, on which a new settlement, Har Hahoma, was to be built. (The Jerusalem Times, 5 April)

233. On 21 April, four Arabs who had been injured when police fired at rioters on the Temple Mount in 1989 petitioned the High Court of Justice regarding the fact that they still had not received any compensation. According to the petition, the Government requested the Arabs to submit their claim to a special interministerial committee. However, they were able to appear before the committee only in December 1995 since its convening was repeatedly postponed. The petitioners claimed that at that time they had been promised a decision within a month but that no decision had been forthcoming so far. (Jerusalem Post, 22 April)

234. On 1 May, a Palestinian security court sentenced a Hamas activist, Iyad Salah, to 12 years of

hard labour for stabbing an Israeli settler in Hebron. The settler, Nissim Gwadia, 61, reportedly continued to be in critical condition. (The Jerusalem Times, 10 May)

235. On 5 May, the Nazareth Magistrate's Court sentenced two Palestinians from the Jenin area to 14 years' imprisonment for attempting to kidnap an Israeli soldier in September. (Ha'aretz, 6 May)

236. On 6 May, the Palestinian driver who had been charged with bringing the Dizengoff suicide bomber to Tel Aviv appealed to the High Court of Justice against a lower court decision to remand him pending his trial. The Palestinian argued that while he had been negligent in not investigating his passenger's motives more carefully, negligence did not constitute sufficient grounds for conviction on a charge of abetting murder, which constituted the basis for his remand. The State, however, argued that the Palestinian had numerous hints about the bomber's intention but chose to ignore them. (Ha'aretz, Jerusalem Post, 7 May)

237. On 12 May, the Attorney-General of Israel stated before the Israeli High Court that the IDF had undertaken activities of a military nature and that the State was therefore not responsible for compensating Palestinians injured during the intifada. (The Jerusalem Times, 17 May)

238. On 17 May, it was reported that the Israeli High Court had rejected a petition by 26 Palestinian families to stop the levelling of their property for the opening of a circular road. The new road cuts into Palestinian-owned land in Hebron and Halhul. (The Jerusalem Times, 17 May)

239. On 20 May, the Beit El Military Court found two residents of Ramallah guilty of attempting to lynch an Israeli reserve soldier who accidentally drove into Ramallah in 1994. One Palestinian was sentenced to five years and four months' imprisonment, while the other was sentenced to six years and one month. (Jerusalem Post, 21 May)

240. On 28 May, the Israeli High Court of Justice took the decision to evict the Jahalin Bedouins from their homes. The Bedouins were to move from the area adjacent to the Maaleh Adumim settlement on the eastern outskirts of Jerusalem to a location near the Izzariyeh garbage dump. The court ruling, which affects 300 families, gave them three months to relocate. The Jahalin Arabs, a tribe from the Beersheba area, moved to the Izzariyeh area following the war of 1948. (The Jerusalem Times, 31 May)

241. On 30 May, the eviction of Khalil Malhi from his house in Wadi Hilweh, Silwan, in East Jerusalem was halted by an Israeli court order. Officials in the Israeli Executive Department claimed that the house had been sold to an extremist Jewish group. Malhi's lawyer applied for an appeal hearing. (The Jerusalem Times, 31 May)

242. On 7 June, it was reported that the Jerusalem Magistrate's Court had sentenced an 11-year-old Palestinian to a two-year suspended prison term for having thrown stones at a border police jeep in the Shu'fat area. The boy was reportedly at the minimal age limit for a prison sentence. In explaining the Court's decision, the judge stated that the youth should have been sentenced to at least one and a half years' imprisonment. (Ha'aretz, 7 June)

243. On 13 June, the Lod Military Court sentenced a 21-year-old Palestinian from Jerusalem to life imprisonment for murdering an IDF soldier on 6 July 1994. (Jerusalem Post, 14 June)

244. On 20 June, the Jerusalem Magistrate's Court sentenced a Palestinian from East Jerusalem to nine years' imprisonment plus one year suspended for stabbing and moderately wounding a Jewish worshipper in the Old City of Jerusalem in June 1995. (Ha'aretz, 21 June)

245. On 25 June, a resident of Gaza suspected of collaborating with Israel petitioned the High Court of Justice against the State's refusal to grant him residency rights. The petitioner reportedly applied for citizenship or permanent residency on the basis of the fact that his wife was an Israeli citizen and

that his life would be in danger under the Palestinian Authority. (Jerusalem Post, 26 June)

246. On 2 July, it was reported that the High Court of Justice had issued an interim order forbidding Israel to expel from the country a male resident of Bgrant him Israeli citizenship or permanent residency in Israel. The Palestinian claimed that he was entitled to Israeli citizenship since he had been married to an Israeli for seven years. He also claimed that his life would be in danger if he was expelled to Arab territory. He stated that he was being persecuted by the Palestinian security forces because of his links with a GSS collaborator and because of the assistance his family had provided to the Israeli security forces. The appeal claimed that the Interior Minister's refusal to grant him citizenship on "security grounds", despite the danger this posed to his life and marriage was completely unreasonable and arbitrary and discriminated against him as compared with other people in the same situation who had not been expelled. According to the appeal, two of the petitioner's cousins had been murdered in Rafah because they were suspected of collaborating with the Israeli security authorities. The petitioner's attorneys presumed that the "security reasons" referred to by the Israeli authorities concerned his conviction of illegal possession of a pistol in 1990, for which he had been sentenced to 10 months' imprisonment, and two other non-security offences: in 1983, he had been tried for stealing a vehicle, while in 1993, he had served an eight-month prison term for possessing burglary equipment. (Ha'aretz, 2 July)

247. On 10 July, the High Court of Justice issued an order nisi granting OC IDF troops in the West Bank 45 days to clarify whether the law authorized him to issue demolition orders concerning the tents and tin shacks belonging to the members of the Jahalin tribe in Maaleh Adumim. According to the tribe, four months earlier the subcommittee that supervises construction in the West Bank had issued demolition orders regarding their tents and shacks on the grounds that they had not submitted requests for construction permits. The petitioners' attorneys claimed that there was no legal basis for the destruction of the tents and shacks since only edifices made of proper building material required the issue of a permit under Jordanian law, which was in force in the area. The attorney stated that, in their view, tin and fabrics could not be considered building materials. (Ha'aretz, 11 July)

248. On 18 July, it was reported that the Lod Military Court had sentenced a 23-year-old Palestinian, Abdel Nasser Atallah, to two consecutive life terms in prison for assembling explosives and dispatching the suicide bombers who had blown themselves up on buses in Ramat Gan and in Jerusalem in 1995, killing nine people. (Jerusalem Post, 18 July)

249. On 22 July, the Jerusalem Magistrate's Court sentenced a 27-year-old Palestinian man from the Nablus area to 10 years' imprisonment for the attempted murder of two border policemen in East Jerusalem in November 1995. The court decided not to issue a severe sentence against the defendant in view of his psychological problems and the fact that no real harm had been inflicted as a result of his acts. (Ha'aretz, 23 July)

250. On 29 July, it was reported that the Defence Ministry had paid 25,000 new Israeli shekels (NIS) in compensation to a Palestinian family who had sued Israel for the death of their one-month-old infant whose ambulance had been held up at a checkpoint during the closure. A Defence Ministry spokeswoman declined to disclose the amount that the family had received as compensation, but Palestinian sources told the Associated Press that the sum was NIS 25,000. The case reportedly concerned the family of Shaker Shawahneh, who, according to doctors, died in Tulkarm Hospital on 9 March after Israeli soldiers had kept the ambulance he was in waiting for over an hour and a half. The doctors stated that the boy, who suffered from pneumonia, died of hypothermia and could have been saved had he arrived at the hospital earlier. The IDF spokesman stated at the time that an inquiry into the incident had found no link between the boy's death and the delay, which it claimed amounted to only 30 minutes. Nevertheless, it reprimanded the officer who was at the roadblock for "insufficient sensitivity" in dealing with the situation. (Jerusalem Post, 29 July)

251. On 6 August, it was reported that the Jerusalem Magistrate's Court had ordered the State to pay compensation the parents of a girl who had been seriously injured by IDF rubber bullets during the

intifada. The Court ruled, however, that the parents were negligent in taking care of their daughter in the harsh environment of the intifada and therefore reduced the amount of the compensation by 25 per cent. The parents claimed that their daughter had been injured in February 1989 by rubber bullets while playing in the street in the Shvura refugee camp, as a result of which she suffered 100 per cent disability. Two eyewitnesses claimed that a soldier had intentionally shot at the girl from a distance of 25 metres. The State did not bring the soldiers who were involved in the incident to the court as witnesses on the grounds that the complaint had been filed a long time after the incident had taken place and that it had been impossible to locate the soldiers. The State also claimed that the IDF operational journals suggested that the girl was injured during riots. It claimed that the law relieved it of any responsibility for injuries of civilians during an IDF war operation. (Ha'aretz, 6 August)

252. On 11 August, the High Court of Justice rejected the appeal of the Islamic Relief Association based in Nazareth asking that it be allowed to reopen. The Court ruled that the Association was part of the economic base of Hamas and provided assistance to families of Hamas "terrorists" who had been killed, imprisoned or expelled from the country. The appeal, which was filed in March after Maj.-Gen. Amiram Levine had closed the Association, stated that the Association was a charitable organization helping poor Palestinian families and that it did not pose a security threat. (Ha'aretz, Jerusalem Post, 12 August)

253. On 12 August, the Dotan Military Court sentenced three Hamas activists to three and a half years of imprisonment plus four years' suspended jail term for throwing stones and incendiary bottles at Israeli vehicles on the Ramallah bypass road. (Ha'aretz, 12 August)

254. On 21 August, the Lod Military Court sentenced a Palestinian from Jerusalem to 22 years' imprisonment for assisting the murderers of an Israeli soldier, Nahshon Wachsman. The Palestinian was convicted on charges of helping the murderers find a hide-out where they kept the kidnapped soldier. (Ha'aretz, 22 August)

255. On 28 August, the Israeli High Court of Justice issued an order temporarily stopping the eviction of the Jahalin Bedouin tribe from the land where they live near the Maaleh Adumim settlement. (The Jerusalem Times, 30 August)

256. On 6 September, it was reported that the Israeli High Court upheld the eviction order against the Jahalin Bedouins which stipulates that the tribe be moved to an alternative site near Abu Dis. The court accepted the argument that the new site was within Area C. (The Jerusalem Times, 6 September)

2. Israelis

Written information

257. On 9 April 1996, the Tel Aviv Magistrate's Court ordered the release on NIS 6,500 bail and a six-day house arrest of an Israeli policeman, his brother and another Israeli citizen who the police suspected of beating and attempting to kidnap a Palestinian worker they suspected of stealing a mobile phone from one of them. According to the police, the three had arrived at the Palestinian's workplace in Tel Aviv, forced him into their car and beaten him as they tried to verify whether he had stolen the mobile phone. The Palestinian needed to undergo medical treatment in hospital as a result of the beating. (Ha'aretz, 11 April)

258. On 12 May, OC Central Command issued an order restricting the movements of a settler from Neveh Daneil and extending by three months the orders previously issued against four other right-wing activists. (Ha'aretz, Jerusalem Post, 13 May)

259. On 14 May, the High Court of Justice rejected a petition by six members of the Hay Vekayam movement against administrative orders barring them from entering the Temple Mount. The petition

charged that the orders constituted improper use of the emergency defence regulations to stop political protest. The Court ruled, however, that the State's argument that the six might provoke Muslim violence was reasonable. The Court also rejected a similar petition by the leader of the Temple Mount Faithful. (Ha'aretz, Jerusalem Post, 15 May)

260. On 6 June, the Jerusalem Magistrate's Court acquitted two settlers from Maaleh Levonah of charges of threatening Arabs with arms. The charge sheet against the two settlers was filed more than four years after they had allegedly committed the offences. It claimed that in January 1990 the settlers stopped an Arab truck on the outskirts of Ramallah, threatening it with a gun and demanding that its two Arab occupants remove a Palestinian flag from an electricity line at the site. When the Arabs did not manage to remove the flag, the settlers had started to throw stones at them, broken the windscreen of their truck and fired several shots. (Ha'aretz, 7 June)

261. On 7 June, it was reported that the Jerusalem Magistrate's Court had decided to drop charges against two Jewish youths who admitted to throwing stones at Arab vehicles on the Maaleh Adumim road. The decision meant that no criminal files would be opened against the youths. However, the Court sentenced one youth to one and a half year's probation and the other to 300 hours of community work. The judge stated that she had decided to issue a lenient sentence because the youths had thrown stones two days after an attack in Kfar Darom in which 8 people had been killed and 60 injured. She also pointed out that the youths had expressed regret for their acts. (Ha'aretz, 7 June)

262. On 21 June, it was reported that the OC Central Command had decided not to extend the validity of restricting orders banning five extreme right-wing activists from entering the West Bank. On the other hand, the officer decided to extend by three months the validity of similar orders against seven other right-wing activists. (Ha'aretz, 21 June)

263. On 2 July, it was reported that the High Court of Justice had rejected a petition by the only Jewish administrative detainee that he be released from detention. The justices ruled that GSS classified evidence justified the detention order issued by OC Central Command. The justices stated that the evidence on file suggested that the detainee, a settler from Bracha, posed a threat to the public and to the security in the area. The justices took note of a statement by the representative of the Officer-in-Charge of the Prisons Service that every request to ease the settler's conditions of detention had been examined, including that to allow him to receive visits from his wife and family more frequently. (Ha'aretz, 2 July)

264. On 2 July, Rabbi Moshe Levinger was released from prison after serving two thirds of his prison term. He had been sentenced to seven months' imprisonment for rioting in the Cave of the Patriarchs (Ibrahimi Mosque). (Ha'aretz, 3 July)

265. On 9 July, a 26-year-old Israeli who had been arrested seven months earlier on suspicion of planning to blow up the Al-Aqsa Mosque with an RPG missile, was convicted of other offences: possession of drugs and knives at the time of the arrest of attacking a policeman. In addition to the nine-month prison term, the Jerusalem Magistrate's Court issued what was described as an unusual sentence: his banishment from Jerusalem. The youth admitted to wanting to blow up the Mosque but stated that he had decided not to do it in the end. However, the charge sheet against him did not mention that issue at all. (Ha'aretz, 10 July)

266. On 15 July, the Jerusalem Magistrate's Court sentenced an Israeli policeman to a three-month suspended prison term for beating a Palestinian boy near the Temple Mount in 1993. The policeman was also ordered to perform 80 hours of community service at a hospital in Jerusalem. The judge stated that the offence was particularly serious because it had been committed by a uniformed police officer against a 10-year-old boy. (Jerusalem Post, 16 July)

267. On 23 July, a senior GSS agent stated that he was the one who had killed two Palestinian

"terrorists" captured alive after they had hijacked bus No. 300 and that he was proud of his act. Interviewed for the first time since the incident, the agent told the Yediot Aharonot daily that he had carried out the execution on the orders of the then head of the GSS. The officer stated he had agreed to speak out since he was retiring from the GSS with the rank of major-general, after 24 years of service. The affair reportedly began when the now defunct Hadashot daily broke the censorship rules and published photographs of the "terrorists", who appeared very much alive despite GSS claims that they had been killed when commandos liberated the bus. A military court later acquitted the then chief paratrooper officer. The Attorney-General called for the dismissal of the head of the GSS but the National Unity Government refused to comply. Then President Chaim Herzog pardoned the head of the GSS and all other GSS agents involved in the incident for fear that the incident might cause irreparable damage to the security agency. (Jerusalem Post, 24 July)

268. On 1 September, the Jerusalem Magistrate's Court acquitted a settler from Shani in the Hebron hills of charges of supporting a "terrorist" organization, but convicted him of inciting to rebellion for comments he had made following the assassination of Yitzhak Rabin. The settler reportedly told a foreign TV crew on the day of Rabin's funeral that he was very happy that the dictator Rabin was dead and that he hoped that the Israeli people would fight against satanic Islam and Arab rule in the land of Israel. He was sentenced on 10 September to 21 days of imprisonment plus a four-month suspended sentence. (Jerusalem Post, 2 September; Ha'aretz, 11 September)

269. On 10 September, an Israeli soldier was sentenced to 18 days of solitary confinement for refusing to serve in Hebron. (Ha'aretz, 11 September)

270. On 12 September, OC Central Command Uzi Dayan revealed during a meeting with settlement leaders that there had been a decrease of one third in the number of restricting orders issued against right-wing activists. (Ha'aretz, 13 September)

271. On 10 September, the Ashkelon Magistrate's Court sentenced a settler from Neveh Dekalim in Gush Katif to community work for demolishing with a tractor the fence of a Palestinian school in Deir el Balah. (Ha'aretz, 11 September)

272. On 16 September, the Jerusalem Magistrate's Court sentenced a new Jewish immigrant to four months of imprisonment plus a two-month suspended sentence for planning to carry out an attack against Arabs. (Ha'aretz, 17 September)

C. Treatment of civilians

1. General developments

(a) Harassment and physical ill-treatment

Oral evidence

273. A witness described how persons were sometimes treated at checkpoints:

"Regarding the checkpoints, we have to carry more than one permit, that we have to get from the Israeli Intelligence. Let me tell you about the Erez checkpoint. It is two metres wide and 600 metres long. There is a huge crowd of workers at the same time, early in the morning. They admit us one at a time and they proceed to a very slow search. Any mistake, anything we do and we get beaten. It takes about two hours to go through. This is not the only checkpoint. We also have to cope with other checkpoints.

"There are no fixed checkpoints, but there could be police and border police doing surprise checks." (Anonymous witness No. 4, A/AC.145/RT.691)

274. Another witness described the situation of Palestinians leaving the Gaza Strip at the Erez checkpoint:

"Our problems are the following: when we leave the Gaza Strip and want to cross into Israel at the Erez crossing point, we have to wait in a queue, for long hours. When there are journalists around, the waiting is not that long. We are not allowed to pray there. Then, we take the bus. There are always inspections on the road. Sometimes, some workers are kept behind. Often the workers are humiliated and insulted. The police is also after us inside Israel, despite the fact that we have valid work permits. But they do not take any notice and they delay us." (Anonymous witness No. 6, A/AC.145/RT.691)

275. The same witness told the Special Committee about the treatment of a boy aged about 10 by Israeli soldiers:

"In Gaza once, I saw a child, not older than 10 years, who was looking after his sheep. Some animals entered a zone belonging to an Israeli settlement. The Israeli soldiers caught him and beat him very severely, asking why he let the sheep enter the settlement. Then, they left. I arrived with my car and took the child to the Joint Liaison Unit. There, they questioned the soldiers who had beaten up this child. There was a discussion between the soldiers and the police officer, but it came to nothing. That is inside Gaza." (Ibid.)

276. Mr. Ibrahim Shehada, a fieldwork coordinator at the Gaza Centre for Rights and Law, described the treatment of Palestinian workers crossing into Israel at the Erez checkpoint:

"The main and vital passage is Erez. It is situated to the north of Gaza City. Through this crossing point, the goods come in and it is also used by the workers. The Israeli soldiers practice there a method called the 'hallabat' in Arabic. What is it? 'Hallabat' means the milking of cows. There are 12 gates. At the end of each of them, there is a soldier, who is supposed to be 'milking the cow'. The Palestinian worker has to be deprived of all his human personality. He has to be searched and subjected to a check. After this operation, which takes some time, his documents are fed into the computer and only then is he allowed to go in. He has to go through the same procedure on his way home." (Mr. Ibrahim Khamis Shehada, witness No. 7, A/AC.145/RT.692)

277. A representative of the Association of Physicians for Human Rights described the harassment to which a serious heart patient who subsequently died was subjected at a crossing point:

"There are other cases as well, the latest one happened on 13 June 1996. Ibrahim Mohammad Al-Sarsawi, aged 34, from Gaza, was in a very serious heart condition. The Shifa Hospital at Gaza City had already made urgent contact with the Tel-Hashomer Hospital in Tel Aviv, which was prepared to receive this patient, because of the gravity of his condition. However, when he arrived at the Erez crossing point, he was stopped. I spoke to the driver of the ambulance transporting this patient. He told me that the soldiers at the crossing point had asked the patient to repeat his name, write it on a piece of paper and give the number of his identity card, although he was under artificial breathing! Other people confirmed the facts. Because of a delay of more than an hour and a half, the condition of the patient deteriorated. The driver could not then drive him to Tel Aviv, which would have taken another hour and a half and he decided to take him to hospital in Ashkelon. The patient died before he reached the hospital." (Mr. Salah Haj Yehya, witness No. 12, A/AC.145/RT.694)

278. A witness spoke to the Special Committee about the harassment suffered by Palestinians on roads near settlements:

"On the subject of harassment and settlements, there are Israeli settlements on the way from Gaza to Rafah. The name of this complex of settlements is Kfar Darom. Because we have to cut across the settlement on the public road, we see that Israeli soldiers stop Palestinian cars, take the ID cards and search the cars. This is something very unpleasant for the Palestinians, in addition to other harassment they are exposed to. They do not feel secure about this attitude. But this is only what one sees on the public road." (Anonymous witness No. 3, A/AC.145/RT.691)

279. The witness also described the arbitrary manner in which arrests were sometimes carried out at checkpoints:

"Concerning the crossing point, sometimes the Israelis arrest people without having any specific charges against them, for no reason at all. When we protest, we are told that these are security measures that are of no concern to us, although the Agreement specifies that arrests can only be carried out in one of three cases, namely, when the person is carrying a weapon, when the person is exposing somebody's life to danger, when the person is engaged in acts of vandalism. Those are the three cases when arrests could be carried out. And yet we have seen them arrest people who are not guilty of any of the three offences and we are always told, when we protest, that these are security measures. The people arrested are taken to Al-Majdal for questioning for a period of one week, sometimes two weeks. Thereafter, they are released." (Ibid.)

280. A witness from Jerusalem described the situation regarding Orient House:

"However, incited directly or indirectly by rightist elements and with the help of the police, the Israeli Government is creating difficulties and trouble for Orient House, like for example, the establishment of a camp in front of Orient House on the public road, grouping elements of the Israeli right (which is now part of the new Government), who are there 24 hours a day, disturbing and threatening the passers-by, not only under the very eyes of the Israeli police, but rather even with the assistance of the police who, it seems, have come more to protect them than try to 'disengage' the problems created by the harassment and trouble they are making." (Mr. Abdel Rahman Abu Arafah, witness No. 10, A/AC.145/RT.694)

281. A witness described how his son was treated on one occasion in Jerusalem:

"My son is in his last year of secondary school. He was walking on the street, close to the Damascus Gate. Every 20 metres, you find soldiers from the army and the security forces as well. That was at the time when the last violence took place. So, my son was walking on the street, together with a friend. They were aggressed by soldiers and he fell on the ground. My son had to fight back. You know, he is a teenager. It is only natural that he should react. They took him away and detained him for one week. I didn't see him for one week. When they could not convict him of anything, he was released. But they charged us a fine of 3,000 shekels, which is about 1,000 dollars." (Mr. Mahmoud Abdallah, witness No. 13, A/AC.145/RT.695)

282. This is how a witness described the behaviour of the Israeli security forces:

"They were looking for some young men and they accused us of harbouring these people in our house. They break into the houses and vandalize. They closed down my niece's house." (Anonymous witness No. 15, A/AC.145/RT.695/Add.1)

283. A witness from the occupied territories described the treatment he was subjected to by the Israeli army:

"I was going to work, after a closure that had lasted one month. We were followed by an army car on the main road close to my village. We were stopped. They asked us to get out of the car. They searched the car very thoroughly. A soldier came close to me and hit me. He hit me with the butt of his rifle. The reason why he hit me was that I had turned to my brother and he thought I was going to say something to him. The others who were still in the car were made to lie on one side. But because I had a beard, I was accused of belonging to Hamas. I was threatened, repeatedly. After about one hour of being detained, the soldier said that if he saw me one more time, he would put us all in prison. That was the incident." (Anonymous witness No. 16, A/AC.145/RT.695/Add.1)

284. A witness from Gaza told the Special Committee about the passage of persons and goods between Israel and the occupied territories:

"If they allow a merchant or a car to go into Israel to bring some food or some fruit, for example, there are obstacles, inspections. It takes many hours to pass. Sometimes they even repeat it again, after the people have waited for 8 or for 10 hours. The people feel that they are stressed. They have the right to live and to eat." (Mr. Omar Khalil, witness No. 5, A/AC.145/RT.691/Add.1)

285. Another witness described what happens under the closure when export goods are finally allowed to leave the occupied territories and the procedures regarding trucks:

"Even when Israel eases the restrictions on agricultural exports, security measures more often than not lead to the damage of the perishable agricultural goods, such as strawberries, cucumbers, tomatoes and other vegetables, because of delays at the border. Long lines of trucks wait for checks at the crossing points to Israel. When the trucks have to wait for two or three days, the goods they transport get bad, the trucks return to Gaza and the products cannot be exported. That happens quite often." (Mr. Hamdi Shaqqura, witness No. 20, A/AC.145/RT.697/Add.1)

286. Accounts of harassment and physical treatment may be found in documents A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.694 (Mr. Salah Haj Yehya), A/AC.145/RT.695 (Mr. Mahmoud Abdallah), A/AC.145/RT.695/Add.1 (anonymous witness), A/AC.145/RT.695/Add.1 (anonymous witness) and A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura).

Written information

287. On 17 April 1996, the mother of a wanted activist from the PFLP complained of damage caused to her house by IDF soldiers during searches. (Ha'aretz, 18 April)

288. On 14 May, the IDF attacked a number of Palestinian farmers from Beit Ola, near Hebron, while they were working in their fields. Palestinian sources indicated that the Israeli soldiers had chased and attacked the farmers, destroying their crops, on the pretext that the area was closed for security reasons. (The Jerusalem Times, 17 May)

289. On 21 June, it was reported that Israeli soldiers and settlers had been harassing farmers and shepherds in a number of villages around Hebron. A farmer, Salem Ismail Al Suweiti from Beit Awa, reported that he had been kidnapped by settlers, beaten up and then left on the road. (The Jerusalem Times, 21 June)

290. On 8 July, the Under-Secretary of the Palestinian Authority Ministry of the Interior, Ahmad Said Buyud Tamimi, accused the IDF of trying to set fire to the Ministry's offices in Hebron. Buyud stated that the IDF had raided the offices a few days earlier, accompanied by gangs of settlers. (The Jerusalem Times, 12 July)

291. On 10 July, the police in Afula released on bail two Israeli men who were suspected of seriously abusing two Palestinian brothers aged 10 and 13 from a village in the Jenin area. Two Israeli youths who were suspected of kidnapping the boys and taking them to a warehouse where they were subjected to abuse were also released on bail. The incident reportedly began when the two Israeli youths caught the boys stealing tomatoes from a field belonging to their moshav near the Green Line. The youths tied the boys with plastic handcuffs and took them to a nearby warehouse where they were seriously mistreated by two Israeli adults who undressed them, tied them to pillars, beat them with iron bars and even extinguished cigarettes on their bodies. The 10-year-old boy stated that blood came streaming from his head when he was beaten with an iron bar. He indicated that he thought he would be killed. After one and a half hours of abuse, he was released, naked, injured and handcuffed, and started walking towards his village. On his way home he met an Israeli boy who removed the plastic shackles from his hands. He arrived home after a 40-minute walk. Half an hour later, his brother arrived home naked and with handcuffs. The two brothers were transferred to a hospital in Jenin where the older brother was reported to be suffering from serious injuries and burns. During their interrogation, the four Israeli suspects admitted to most of the charges against them. (Ha'aretz, 11 July)

292. On 30 July, Palestinian Council member Abbas Zaki was taken into custody by the Israeli authorities and questioned for five hours. Zaki, who represents Hebron on the Council, was remanded on charges of incitement and of urging the villagers of Samu's to set fire to Israeli bulldozers that had come to level confiscated Palestinian land. (The Jerusalem Times, 2 August)

293. On 1 August, the head of the Palestinian police in Hebron, Tarek Zaid, charged that his son and his driver had been beaten in front of him and detained by IDF soldiers. Zaid further claimed that the soldiers had scoffed at him when he showed them his VIP card issued by the Israeli Government and smashed the windshield of the car of two Palestinian lawyers who stopped to inquire about the incident. (Jerusalem Post, 2 August)

294. On 7 August, the IDF raided Qaryut village and arrested tens of villagers. Local sources indicated that the arrest campaign was a reaction to the demonstrations held by the villagers in July 1996 to protest against the expansion by the neighbouring Gilo settlement at the expense of their land. According to the latest developments, the IDF decided to consider part of the land of Qaryut village as state land. (The Jerusalem Times, 9 August)

295. On 9 August, it was reported that the Palestinian Authority Minister of Civil Affairs, Jamil Tarifi, had protested over an incident in which PLO Executive Committee member Mahmud Abbas had been arrested at the Erez checkpoint, the northern entrance to the Gaza Strip. Tarifi also noted that the harassment of Palestinian notables had increased recently, especially at military roadblocks. (The Jerusalem Times, 9 August)

296. On 26 August, the Israeli authorities raided the home of the representative of the Palestinian Council for Jerusalem, Hatem Abdel Qader, and seized his furniture on the grounds that he had not paid his municipal taxes. Abdel Qader stated that he had reached an agreement on the matter with the Property Tax Department a few days earlier. The Palestinian Council representative added that his house had been placed under surveillance since he had turned his home into an office where he could hear the demands and complaints of his constituents. (The Jerusalem Times, 30 August)

297. On 5 September, B'tselem issued a report asserting that there had been an increase in the number of incidents of beating and humiliation of Palestinian residents of the territories by the police and border police at the checkpoints at the entrance to Israel and within the Green Line. The report stated that the behaviour of the security forces, who in numerous cases captured illegal Palestinian workers within the Green Line, beat them up and then returned them to the territories, suggested that there was an unwritten policy aimed at deterring Palestinians from entering Israel illegally through the use of violence, abuse and degradation. The report presented 11 such cases that had taken place in June and July. They were based on the testimony of the victims and of eyewitnesses. Ten of the cases concerned beatings and abuse by the police and border police, while one case regarded beating by a Jerusalem Municipality inspector. In more than half of the cases, the violence was directed at Palestinians, both adults and children, who had entered Israel in order to try to make a living. The report pointed out that the reports of abuse coincided with the change of Government. It also noted that the harsh living conditions in the territories prompted their residents, including numerous children, to try to enter Israel illegally in order to seek employment. One case of abuse cited in the report was that of a 17-year-old Palestinian labourer who stated that policemen had broken his leg at a construction site where he had been found working illegally. He claimed that the policemen had also brutally beaten him on the face, head and neck and that he had lost hearing in one ear. He stated further that one officer promised to shoot him if he ever returned to Jerusalem. Before releasing him, the policemen made him sign a paper stating that he had not been beaten or hurt. (Ha'aretz, Jerusalem Post, 6 September)

(b) Collective punishment

(i) Houses or rooms that were demolished or sealed

Oral evidence

298. Mr. Fuad Issa Abu-Hamed, a fieldworker at the Israeli human rights organization B'tselem, provided the Special Committee with the following information regarding the demolition of Palestinian-owned houses:

"Coming to the question of the demolition of houses, nine houses were demolished during this operation in March 1996. Eight of these houses were destroyed. As for the ninth house, it was filled with cement blocks to prevent it being used, as it was too near other houses to be blown. It is the first time since the uprising that I have witnessed such a method of closing a house. Another house was demolished by mistake, as it happened to be situated near one of the other demolished houses." (Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

299. Another witness informed the Special Committee about the demolition of Arab-owned houses, particularly in Jerusalem:

"The policy of house demolition still continues, especially in Jerusalem. Today, we do not see houses being demolished for security reasons by explosions and bulldozers. But we see in Jerusalem that houses are demolished because they are considered 'unlicensed'. As you are all aware, the policy of delivering building permits in Jerusalem is one of the most complicated in the world. I cannot even explain it in words. To get the permit might take 10 to 15 years and it would cost you more than the price of the house you plan to build. Also, it means that you

have to show ownership of the land, which nobody can. Therefore, the only possible way is to build a house without a permit. People are fined, very heavily if the houses are located in a very tense area. But if the houses are built in an area which the Israelis have included in their future development plans, they are demolished immediately. An average of five houses are demolished every month in East Jerusalem. Since 1967, only 600 to 700 building permits were given to Palestinians and more than 2,000 houses were demolished during the same period. The Israelis have built more than 70,000 units in Jerusalem, compared to 700 units for the Palestinians. We have been promised 7,500 new units in the last 10 years. The plan is still under study and, personally, I do not think that both with the new Government and the relation today between the Housing Minister and the Mayor of Jerusalem, there will be any plan for future housing for Palestinians in Jerusalem." (Anonymous witness No. 8, A/AC.145/RT.693)

300. The Al-Haq representative spoke to the Special Committee about the Palestinian housing situation and the issuing of construction permits:

"The practice of demolition of houses has been continuing unabated for a number of reasons, mostly for security reasons or for lack of a building permit. The granting of building permits is an important subject related with city planning and I am not going to elaborate on it. But permits are seldom granted. Thousands of houses have been demolished for lack of a building permit. However, because of the increase of population, more houses and flats would be needed to accommodate the people. However, the occupation authorities are against the building of new houses and flats and people find themselves compelled to build without permit, so that they can live somewhere!" (Mrs. Nina Atallah, witness No. 21, A/AC.145/RT.698)

301. A witness described the fines imposed for building without a licence:

"The average fine imposed on families who build without a licence and are found guilty is not only that they are supposed to destroy their house, but the average fine today is called the 'double value of the house' fine. It is 100,000 shekels, which is about 33,000 dollars.

"What happens if you don't pay? Oh! They throw you in jail. They come and they take all your furniture away. They harass you. The people are now in terrible, terrible positions." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

302. Another representative of B'tselem described the reasons behind the Israeli policy concerning Palestinian housing:

"After his appointment as the new Minister of the Interior, Eliahu Suissa declared a few days ago that he was going to take severe measures against all Palestinian constructions built without a licence. We all know what these legal measures are. It is simply the demolition of the house concerned. Without any prior warning.

"Maybe the Committee should know that there are thousands of houses in the area of Arab Jerusalem which were built without permits, because the Municipality of Jerusalem refuses to issue building permits to Palestinians. The main objective of withholding the delivery of such permits is to reduce the number of Palestinians living in Arab Jerusalem." (Mr. Bassem Eid, witness No. 22, A/AC.145/RT.698)

303. Testimonies relating to houses or rooms that were demolished or sealed may be found in

documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer), A/AC.145/RT.698 (Mrs. Nina Atallah) and A/AC.145/RT.698 (Mr. Bassem Eid).

Written information

304. On 3 April 1996, IDF troops sealed the home in the Fawar refugee camp of Mohammed Abu Warda who allegedly organized the suicide bombings in Jerusalem and Ashkelon on 25 February. (Ha'aretz, Jerusalem Post, 5 April)

305. On 11 April, the IDF demolished five Palestinian-owned houses in Hebron on the grounds that they had been built without a permit. In reaction to the demolition, which was carried out under a Civil Administration order, Hebron Mayor Mustafa Natshe stated that such practices were destroying the peace process and sowing despair among the town's residents. He stated that the residents had not only seen their lands taken for the construction of the Kiryat Arba settlement, but now their houses were being demolished as well. (Ha'aretz, 12 April)

306. On 11 April, the Israeli authorities demolished seven homes in Hebron on the pretext that they had been built illegally. Demolition orders have also been issued on the same pretext for a large number of houses in Baqa, Wadi Joz and Khilet Natsheh. The owners will appeal the demolition orders in the Israeli High Court. (The Jerusalem Times, 19 April)

307. On 28 April, Hebron Mayor Mustafa Natshe stated that following a direct appeal by PLO Chairman Yasser Arafat to Prime Minister Shimon Peres, the Israeli Government had agreed not to demolish some 60 houses that had been built without Israeli construction permits in the Hebron area. The Civil Administration spokesman stated, however, that 40 houses (and not 60) along the main roads in the Hebron area were in the process of being notified of demolition orders, which were being carried out at the rate of four or five a month. (Jerusalem Post, 29 April; also referred to in The Jerusalem Times, 26 April)

308. On 16 May, a crowd of Palestinian residents of Kafr Aqeb (Ramallah area) prevented the army from bulldozing houses that had been built without permits issued by the Civil Administration. One of the houses reportedly consisted of three apartments housing 16 residents. The Civil Administration spokesman stated that the demolition had been postponed in order to avoid clashes between civilians and soldiers, but indicated that it would still take place. (Jerusalem Post, 17 May)

309. On 24 May, the IDF is reported to have demolished four houses in Kafr Aqeb on the pretext that the houses had been built without licences. (The Jerusalem Times, 24 May)

310. On 4 June, it was reported that the security authorities were studying a request by the Palestinian Authority to unseal more than 60 houses that had been sealed during the intifada in Ramallah, Hebron and the villages located in area B, which is under Palestinian civilian control and Israeli security control. Palestinians had reportedly tried to unseal the homes themselves but had been prevented from doing so by the IDF. (Ha'aretz, 4 June)

311. On 5 July, Israel rejected a decision by Palestinian Authority President Yasser Arafat to allow the family of the assassinated Hamas bomb-maker Yihye Ayyash to rebuild their West Bank home, which was located in an area run by the Palestinian Authority but under exclusive Israeli security control. An IDF spokesman stated that the army would not permit the reconstruction of terrorists' houses that had been destroyed after the issuing of demolition or confiscation orders. (Jerusalem Post, 7 July)

312. On 2 August, it was reported that the owners of 10 Palestinian houses located in a residential area at the limits of the town of Nablus had received notices informing them that their homes were slated for demolition. (The Jerusalem Times, 2 August)

313. On 12 August, the Civil Administration demolished three Palestinian-owned homes that had been built without a permit in three villages in the Ramallah area. The demolitions took place under heavy border police and IDF guard. A border policeman was injured by stones during riots that erupted in one of the villages in protest against the demolitions. A father of five whose house had been demolished stated that his request for a permit to build on his land had been rejected by the Civil Administration on the grounds that the land was located outside the area covered by the master plan of the village. (Ha'aretz, Jerusalem Post, 13 August)

314. On 12, 13 and 14 August, Israeli bulldozers demolished a total of eight houses within the Jerusalem boundaries of the municipality on the pretext that they had been built without a licence. (The Jerusalem Times, 16 July)

315. On 16 August, it was reported that the IDF had demolished three houses in Hebron in two days on the pretext that their owners had not obtained building licences. The Israeli Minister of Defence, Yitzhak Mordechai, stated that 10 houses built without a licence were slated for demolition. (The Jerusalem Times, 16 August)

316. On 20 August, Interior Ministry demolition crews tore down two Palestinian-owned houses that had been built without permits in the Ras Al-Amud neighbourhood of East Jerusalem as police stood guard to prevent disturbances by local residents. One of the houses demolished had been built completely while the other was still without a roof. The demolitions, which left 21 Palestinians homeless, followed similar action taken a week earlier when the Jerusalem Municipality had torn down two structures that had been built "illegally" in the East Jerusalem neighbourhood of Issawiya. Eight other Palestinian houses were slated for demolition in East Jerusalem. (Jerusalem Post, 21 August)

317. On 25 August, the Association for Civil Rights in Israel (ACRI) addressed a letter to the Interior Minister demanding that he stop the demolition of houses in the Ras Al Amud neighbourhood of East Jerusalem. ACRI also called upon the Minister to re-examine the demolition policy in East Jerusalem and refrain from such practice until suitable solutions were found to meet the housing needs of the City's Arab residents. ACRI stated that the problem of illegal construction in the Arab sector was the direct result of the planning bodies' policy, which did not allow for legal construction that could meet the real needs of the Arab population. Such a policy turned into criminals numerous Arab residents whose only wish was to have a roof above their heads. ACRI also stated that the policy in East Jerusalem was aimed at limiting Arab construction in order to encourage the residents to leave the municipal boundaries of Jerusalem, thereby altering its demographic composition (emigration from Jerusalem entails the loss of an Israeli identity card). (Ha'aretz, 26 August)

318. On 27 August, on the orders of the Jerusalem Municipality, a Palestinian day care centre for the disabled was demolished in the Old City of Jerusalem on the grounds that it had been built without a permit. The demolition sparked off a sharp reaction from Palestinian leaders who decried the move as a blow to Palestinian-Israeli relations. Palestinian Cabinet members Hanan Ashrawi and Hassan Tahboub and Legislative Council Speaker Ahmad Qorei led a march of some 100 Palestinians from the demolition site through the Old City. Orient House, the PLO headquarters in Jerusalem, released a statement strongly condemning the demolition and called upon the international community and the Arab world to exert pressure on Israel to stop such acts in the future. The Jerusalem-based Palestinian Society for the Protection of Human Rights stated that the fact that the Jerusalem municipality provided very few public services for Palestinians made the demolition particularly illustrative of the strength of the campaign against Jerusalem's Arab residents. Palestinian Authority Chairman Yasser Arafat summoned foreign diplomats to convey his deep concern over Israel's practices in Jerusalem. Mr. Arafat reportedly stated that such measures were part of a premeditated policy to Judaize Arab Jerusalem and to encourage settlement building inside Arab neighbourhoods. (Jerusalem Post, 28 August)

319. On 27 August, the Jerusalem Municipality demolished an "illegal" construction meant to be used as a gym for children living in the Muslim Quarter of the Old City of Jerusalem. The demolition, which was carried out under heavy police and border police guard, was condemned by Palestinian Council Chairman Ahmed Qorei, who stated that the demolition was a gross violation of the peace agreements according to which the status of Jerusalem was to be determined only during the final status negotiations. The acting Ambassador of Canada whose Government had contributed \$30,000 to the charity organization that had built the edifice, stated that his Government viewed with concern the decision to demolish the building, which, he observed, was supposed to serve as a community centre for the population of the neighbourhood and was a unique project in an area suffering from serious social distress. (Ha'aretz, 28 August)

320. On 27 August, the Israeli authorities demolished the Burj Al Laqlaq Centre for the Aged and the Handicapped in Jerusalem, on the pretext that it had been built without a licence. (The Jerusalem Times, 30 August)

321. On 28 August, the Israeli police tore down four tents erected on the site where the Burj Al Laqlaq Centre used to stand. The tents were put up to accommodate the beneficiaries of the Centre. (The Jerusalem Times, 30 August)

322. On 30 August, it was reported that Israel was intensifying its demolition drive against Palestinian houses built without permits in Jerusalem and the West Bank. In a "flurry" of concern for the environment and the respect of the law, dozens of Palestinian homes were being demolished in the territories. In most cases, the houses belonged to residents who had been applying for construction permits for years but had been rejected. The possibility for a Palestinian to obtain a construction permit in Jerusalem or in other parts of the occupied territories was reportedly nil. It was their difficult housing conditions that had pushed these people to build without permits. In most cases, the applicants were large families who had no other alternative but to build illegally and were now being left homeless. One example was a widow living with 10 children, 3 of whom were mentally retarded, in extreme poverty and squalour in the village of Hizama, which is surrounded on all sides by Jewish settlements. The house was also home to the family's sheep and goats, which, together with the hens in the courtyard, were said to be its only source of income. In 1994, the woman was fined NIS 21,000 for the illegal construction of the house and was ordered to demolish it herself. The State of Israel went beyond the demolition order and opened a criminal file against her. On 29 August 1996, an inspector from the Interior Ministry notified the woman that her house would soon be demolished. She collapsed from worry the following day. (Ha'aretz, 30 August)

323. On 13 September, it was reported that the Civil Administration in the West Bank had sent 13 demolition orders to house owners in the neighbourhoods of A-Sawahara and Zur Bahar in southern Jerusalem. According to the Civil Administration, the houses had been built outside the jurisdiction area of the Jerusalem municipality, that is, in area C, which is under the Civil Administration's control. (Ha'aretz, 13 September)

324. On 17 September, dozens of policemen kept away a small crowd of Palestinian residents as a demolition crew tore down a Palestinian-owned home that had been built illegally in East Jerusalem. According to City officials, the Palestinian owner had petitioned the High Court of Justice to prevent the demolition, but his petition had been rejected. Palestinian leaders in Jerusalem declared a short commercial strike in East Jerusalem in order to protest against the demolition. Municipal sources stated that the demolition of the home was meant to serve as a warning to Arab residents who were contemplating building without the proper permits. In a related development, municipal sources stated that the City's legal adviser was reviewing an updated report on alleged illegal construction next to the Al-Aqsa Mosque. (Jerusalem Post, 18 September)

325. On 17 September, the Jerusalem Municipality demolished the house of Ayman Hassan Yaghmour inside the Jaffa Gate in East Jerusalem, on the pretext that the building had been built

without a licence. (The Jerusalem Times, 20 September)

326. On 19 September, the Jerusalem Municipality inspectors issued demolition orders against three houses in the village of Isawiya in East Jerusalem. The owners were given 24 hours to demolish their homes on the grounds that they had been built illegally. Residents warned that they would violently oppose the demolitions and claimed that 12 other owners were about to receive demolition orders. The Palestinian Association for the Protection of Human Rights and the Environment announced that it would ask for an interim order against the demolition of the houses on the grounds that the orders had been issued on 24 hours' notice, which prevented the owners from lodging appeals with the local affairs court, which was closed on Fridays. The Association also published a report according to which the intention to demolish houses marked the beginning of a new era of aggression against the Palestinian population of Jerusalem since in the past the Municipality used to fine residents for illegal construction while its new policy was aimed at reducing Arab presence in the City. (Ha'aretz, 20 September)

(iii) Imposition of curfews, sealing off or closing of areas

Oral evidence

327. The B'tselem fieldworker described the effects of the curfew imposed on the Al-Fawwar refugee camp near Hebron:

"I personally visited the camp of Al-Fawwar and went into some of the houses. I found that the people had no food, not even baby milk, even after the curfew was lifted, because they could not buy food as there was nothing in the stores. There was an acute shortage of wheat, sugar, oil and dairy products and, consequently of course, prices were very high." (Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

328. Another representative of B'tselem described the situation regarding curfews in the villages of Bidiya and Samua in the West Bank:

"As you know, I was yesterday in the village of Bidiya in Tulkarm, where a curfew has been imposed on 16 June after the killing of one Israeli soldier in the area. I went to the village and listened to eye-witnesses who reported to me that the curfew has been imposed for 11 days now and that there was a shortage of food, because the soldiers lift the curfew once every two days for two hours only, but prevent the inhabitants of the village from leaving it in order to buy food. This has led to this acute shortage of food. There is also an acute shortage of medicines in the village.

"There are more than 10 handicapped persons who live in this small village and they are in need of medicines that are no longer available in the pharmacy of the village. It means that they cannot get the proper treatment they would need. Eye-witnesses told me that whoever violates the curfew exposes himself to severe beatings by the Israeli soldiers and is forced back home.

"Two weeks ago, the occupation authorities announced that they were going to confiscate land in the village of Samua, south of Hebron. When the inhabitants heard of this, they staged a demonstration, protesting the decision. The Israeli army came and opened fire indiscriminately at the inhabitants, with the result that more than 10 Palestinians were injured and a curfew was imposed. This curfew is still in force, until this present moment." (Mr. Bassem Eid, witness No. 22, A/AC.145/RT.698)

329. Testimonies relating to the imposition of curfews, sealing off or closing of areas may be found in documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed) and A/AC.145/RT.698 (Mr. Bassem Eid).

Written information

330. On 1 April 1996, several demonstrations against the closure were held in the Gaza Strip. A 12-hour hunger strike was held in front of the office of the United Nations Special Coordinator in the Occupied Territories. Hundreds of workers demonstrated in front of the Gaza City Hall where several demonstrators joined some 60 hunger strikers. (Ha'aretz, 2 April)

331. On 4 April, the army declared Nablus a closed military zone following an incident in which two border policemen were slightly injured by stones on their way to Joseph's Tomb. The closure was lifted on 6 April. (Ha'aretz, 5 and 7 April)

332. On 9 April, 12 Palestinian policemen were detained by border policemen at the entrance to the Shu'fat refugee camp in northern Jerusalem. A police spokesman stated that the policemen were not allowed to be present in the City because of the closure and added that they were being questioned for allegedly operating in the refugee camp and elsewhere in the City in violation of the peace agreements. (Jerusalem Post, 11 April)

333. On 11 April, the IDF allowed 50 Palestinians who worked in foreign embassies and consulates to return to their workplaces. The army also allowed Jordanian citizens who were stranded in the Gaza Strip to return to their homes and announced that a limited number of Palestinians seeking emergency medical treatment would also be allowed to enter Israel. (Jerusalem Post, 11 April)

334. On 17 April, the IDF imposed a curfew on the village of Taqua following an incident in which an Israeli guard was moderately wounded during a demonstration of villagers against the confiscation of their land for the construction of a "security" road to service the nearby settlement of Tekoa. (Ha'aretz, Jerusalem Post, 18 April)

335. On 28 April, the Ministerial Committee on Security Affairs decided to maintain the closure but to allow goods to be transferred to the territories. In another development, the Committee requested the Chief of General Staff, Lt.-Gen. Amnon Lipkin Shahak, to look into an incident in which a Palestinian woman had lost her baby after soldiers at roadblocks prevented her three times from reaching a hospital. The woman had to give birth in her car and was forced to carry the baby to an East Jerusalem hospital where it was pronounced dead. (Jerusalem Post, 29 April)

336. On 1 May, the IDF imposed a curfew on Hebron after the stabbing of an elderly Jewish settler in the town casbah. Casbah shop owners closed their shops immediately as the army placed the casbah under curfew. One shop owner complained that the soldiers did not even leave him sufficient time to place the NIS 10,000-worth of fish he had on his stall in a refrigerator. (Jerusalem Post, 3 May)

337. On 6 May, Israel declared Kalkiliya a closed military zone. (The Jerusalem Times, 10 May)

338. On 15 May, Prime Minister Shimon Peres approved the recommendation of the Anti-Terror Committee and reimposed a complete closure on the Gaza Strip and the West Bank until after the Israeli elections. This meant that 12,000 Palestinian workers who had been allowed to enter Israel as a result of the easing of the closure in March would no longer be allowed to enter Israel. Some exceptions to the closure would remain in force, however, including humanitarian cases, the exit of produce under certain conditions, and the movement of VIPs. (Ha'aretz, 15 May, Jerusalem Post, 16 and 17 May; also referred to in The Jerusalem Times, 17 May)

339. On 24 May, the IDF imposed a curfew on the Al Sheikh quarter of Hebron. (The Jerusalem

Times, 24 May)

340. On 25 May, a total closure was imposed on the Gaza Strip and the West Bank and was expected to last at least until the Israeli elections. The decision was taken in response to fears of attacks by "terrorist" organizations on the eve of the elections. The IDF spokesman stated that Palestinian residents of the territories would only in special humanitarian cases enter Israel. The highest-ranking Palestinian VIPs would be allowed to enter Israel with a driver while lower-level VIPs would be able to leave the territories only after coordination with the security authorities and would have to undergo regular searches at IDF checkpoints. (Ha'aretz, Jerusalem Post, 26 May)

341. On 30 May, the closure imposed on the territories on the eve of the Israeli elections was eased: 7,500 Gazan labourers aged over 40 and 2,500 labourers from the West Bank with work permits were allowed to enter Israel. Merchandise was allowed to transit through the Karni cargo terminal into the Gaza Strip. The transit of trucks was allowed only through the Erez checkpoint. Departing trucks had to be escorted. Industrial zones in the West Bank (including the industrial zone in Atrot) and Gaza were reopened for Palestinian employment. A ban on entry into Israel by holders of VIP documents and workers of international organizations was lifted, as was the case with the closure of Kalkilyia, Tulkarm, Nablus and Jenin, which had been declared closed military zones for security reasons. (Ha'aretz, 2 June)

342. On 1 June, the IDF eased the closure of the West Bank and Gaza Strip by allowing more than 10,000 Palestinian labourers with work permits to return to their jobs in Israel. The IDF indicated that the permits had been issued to 7,500 Gazans aged 40 and to 2,500 Palestinians from the West Bank. (Jerusalem Post, 2 June)

343. On 3 June, the IDF imposed a curfew on the villages of Bidiya, Surta and Qarada (West Bank) following a "terrorist" attack in which four Israelis were slightly wounded in an olive grove outside the village. (Ha'aretz, Jerusalem Post, 4 June; also referred to in The Jerusalem Times, 7 June)

344. On 5 June, the Government further eased the closure of the West Bank and Gaza Strip by allowing 10,000 Palestinian workers from the West Bank and 12,000 from the Gaza Strip to enter Israel. The IDF announced that only married Palestinian men aged 35 and over who had not been convicted of security offences would be issued permits on an individual basis. The army also allowed 350 Palestinian merchants to enter Israel. (Jerusalem Post, 6 June; Ha'aretz, 9 June)

345. On 9 June, it was reported that the security authorities were continuing to ease the closure of the territories by allowing an additional 13,000 Palestinians to work in industrial zones and the agricultural sector in the West Bank and Gaza Strip. (Ha'aretz, 9 June)

346. On 10 June, the Israeli authorities closed down the vegetable market in Hebron in the wake of the killing of two settlers from Kiryat Arba near the town of Kufur Zakariya. (The Jerusalem Times, 14 June)

347. On 16 June, the IDF imposed a curfew on Bidiya village in the immediate aftermath of a "terrorist" attack in which an off-duty Israeli policeman was shot dead in the village. On 18 June the curfew was still in force and residents were barred from entering Israel to work until an investigation of the incident had been concluded. (Ha'aretz, 17 and 18 June; Jerusalem Post, 17 June; also referred to in The Jerusalem Times, 28 June)

348. On 21 June, the IDF imposed a curfew on the village of Samu (Hebron area) and arrested six Palestinians after dozens of villagers set fire to heavy equipment used for the construction of a bypass road on confiscated land. (Ha'aretz, 23 June)

349. On 22 June, the town of Samu, south of Hebron, was placed under curfew following clashes of its inhabitants with the IDF. (The Jerusalem Times, 28 June)

350. On 26 June, it was reported that the security authorities had decided to take a series of measures to ease the closure. In addition to the entry permits granted to workers from the territories, it was decided to allow the transit of trucks between the Gaza Strip and the West Bank. Security sources reported that the measures were intended to prevent economic chaos in the territories. (Ha'aretz, 26 June)

351. On 27 June, the Israeli authorities lifted the curfew imposed on Bidya. The curfew imposed on Samu was maintained. (The Jerusalem Times, 5 July)

352. On 2 July, the IDF lifted the curfew it had imposed on the village of Bidiya where an Israeli policeman had been killed and his wife wounded in a "terrorist" attack on 16 June. (Ha'aretz, 2 July; Jerusalem Post, 7 July)

353. On 5 July, the IDF lifted the curfew it had imposed on the village of Samu (Hebron area) on 21 June following an incident in which Palestinian youths had set fire to bulldozers used for the construction of a bypass road running through the fields adjacent to the town on their confiscated land. IDF sources reported that 25 Palestinians suspected of arson had been detained for questioning. The IDF reportedly lifted the curfew for 2 hours every 48 hours in order to allow residents to get food supplies. However, the residents were not allowed to leave their village even during that period. The residents condemned the curfew as collective punishment. They also complained of shortages of food supplies, especially milk for babies. The villagers rushed to Hebron to buy food supplies after the curfew was lifted. (Ha'aretz, 2 July; Jerusalem Post, 7 July; also referred to in The Jerusalem Times, 12 July)

354. On 7 July, it was reported that the IDF had lifted the closure imposed on Ramallah a week earlier. (Ha'aretz, 7 July)

355. On 10 July, the IDF imposed a curfew on the Bab A-Zawayya neighbourhood in Hebron after an incident in which an explosive device was thrown at an IDF outpost in the neighbourhood. Several Palestinian businesses located near the site of the incident were also closed "until further notice". (Ha'aretz, 11 July)

356. On 14 July, the IDF announced that the Netzarim road would be open for Palestinian police traffic every two weeks but also indicated that VIPs were not allowed to use it. (Ha'aretz, 15 July)

357. On 19 July, the IDF imposed a curfew on the village of Karyut (West Bank) following an incident in which some 100 residents went on a rampage through disputed land near the Shilo settlement, setting fire and destroying trees. (Ha'aretz, Jerusalem Post, 21 July)

358. On 22 July, the Israeli authorities imposed a one-day curfew on Ramallah after a resident of Jerusalem was taken for interrogation by the Palestinian Preventive Security. The curfew was lifted when the resident was released. (The Jerusalem Times, 26 July)

359. On 23 July, the Israeli authorities lifted the closure imposed on the West Bank and the Gaza Strip. (The Jerusalem Times, 2 August)

360. On 24 July, thousands of Palestinians returned to work in Israel after the easing of the five-month-long restrictions imposed on workers from the territories. Palestinian officials in Gaza reported that they had distributed 2,083 permits issued by the Israeli authorities to residents of the Gaza Strip. This brought to 27,483 the number of Palestinians allowed to work inside the Green Line. Another 1,031 permits were scheduled to be issued the following day. (Jerusalem Post, 25 July)

361. On 25 July, the Israeli authorities declared the city of Kalkiliya a closed military area following

a shooting incident involving a Palestinian policeman. (The Jerusalem Times, 2 August)

362. On 26 July, the IDF imposed a total closure on the West Bank and the Gaza Strip following a drive-by attack near Beit Shemesh. In addition, Hebron, where the attackers were thought to be hiding, was sealed off and roadblocks were set up throughout the area between the town and Bethlehem. The closure was lifted on 28 July. (Ha'aretz, Jerusalem Post, 28 and 29 July)

363. On 29 July, the IDF reopened Kalkiliya and Dhahiriya after closing them off in recent days following two incidents involving Israelis and the Palestinian police. A resident of Rahat was killed in one of the incidents; a baby was shot and slightly wounded in the other. (Jerusalem Post, 30 July)

364. On 29 July, the Israeli authorities reimposed the closure of the West Bank following an armed attack in the Beit Shemesh area. (The Jerusalem Times, 2 August)

365. On 28 August, the IDF declared Bethlehem a closed military zone after a shooting incident in the area in which two Israelis were slightly wounded. (Ha'aretz, Jerusalem Post, 29 August)

366. On 31 August, the IDF imposed a curfew on the West Bank village of Baqa esh Sharqiya following a shooting incident in which two Romanian labourers were injured. (Ha'aretz, 1 September)

367. On 11 September, it was reported that the security authorities had decided to impose a total closure of the territories from the eve of the Jewish New Year until the end of the holiday. According to the security authorities' estimates, Islamic Jihad and Hamas cells were planning to launch attacks against settlers in the territories and inside Israel. (Ha'aretz, 11 September)

368. On 13 September, the security authorities tightened the total closure of the territories. Only a very limited number of Palestinian workers were allowed to cross into Israel. (Ha'aretz, 13 September)

369. On 13 September, the Israeli authorities decided to impose a complete closure of the West Bank and the Gaza Strip for two days, on the eve of the Jewish New Year. (The Jerusalem Times, 13 September)

370. On 18 September, hundreds of Palestinian merchants, truck drivers and factory owners blocked a road near the Ministry of Trade of the Palestinian Authority in Gaza in order to protest against the closure. Some protesters carried placards condemning the closure, while others displayed the keys of their closed factories, shouting that they had gone bankrupt. After a four-hour demonstration the protesters obeyed a police order and opened the road to traffic. It is estimated that there are some 3,600 merchants in Gaza, only 119 of whom were issued permits to enter Israel and the West Bank. The Palestinian Authority was responsible for distributing the permits, which were issued by the liaison bureau at the Erez checkpoint. According to one tile manufacturer who was among the organizers of the protest, the arrangement was meant to create tension between merchants and the Palestinian Authority. Tile manufacturers complained that only seven trucks had been allowed to enter Israel or the West Bank every day - eight times less than the Strip's daily production. As a result of the total ban on the export of merchandise since February, merchants had accumulated a stock of some 500,000 tiles. Representatives of another economic sector who took part in the demonstrations were those from the food industry which was prevented from exporting canned food. One food producer stated that they did not want to hear anything more about peace. "What is the use of such slogans", he observed, "when we are not even allowed to export to the West Bank?". In response to the allegations, security sources stated that the ban on the export of canned food and tiles was due to the difficulty involved in carrying out security checks of these products. (Ha'aretz, 19 September)

371. On 20 September, a total closure was reimposed on the territories. It was expected to be lifted

on 24 September. (Ha'aretz, 22 September)

(iii) Other forms of collective punishment

Written information

372. On 16 June 1996, OC Central Command Maj.-Gen. Uzi Dayan ordered the closure of more than 10 shops located near a toy shop in Bidiya village where an Israeli off-duty policeman had been shot dead by a Palestinian. Dayan announced that the Cental Command had decided to resume applying the method of collective punishment and indicated that the shops would remain closed for a long period. We want to make it clear, he stated, that life would not continue as normal after such a murder. (Ha'aretz, Jerusalem Post, 17 June)

373. On 12 August, it was reported that Maj.-Gen. Dayan had eased the sweeping restrictions imposed on five Palestinian villages in the West Bank that were home to suicide bombers. The restrictions had barred all persons from the villages of Rafat, Dahariya, Burka, Fawar and Karyut from obtaining permits to work in Israel. However, some of the sanctions were still being enforced, such as barring relatives of suicide bombers and persons connected with Hamas from obtaining work permits. (Ha'aretz, Jerusalem Post, 12 August)

(c) Expulsions

Oral evidence

374. On 8 April, the security authorities officially notified the Palestinian Authority that four members of the Palestinian National Council who had previously resided in Jerusalem but had been expelled would be allowed to enter Israel on condition that they lived in the autonomous areas. A previous request by the Authority to allow the four persons to enter the territories in order to take part in the work of the Council had been rejected on the grounds that these members wanted to return to their homes in East Jerusalem. Following discussions with the Palestinian Authority a few weeks later, it was decided, however, that the Council members would be allowed to return to Israel provided that they resided in the territories and not in East Jerusalem. (Ha'aretz, 9 April)

(d) Economic and social situation

Oral evidence

375. This is how one witness assessed the economic and social situation in the occupied territories, in particular since the signing of the Oslo Accords:

"Actually, the conditions have deteriorated, as I have said. They have deteriorated regardless of the political processes behind the measures taken by the Israeli Government. But I can see on the other hand that the living conditions of the Palestinian people have deteriorated for other reasons - other reasons related to the fact that, with the signing of the economic agreement between Israel and Palestine, some restrictions have been imposed on the Palestinians. And these restrictions have enabled the Israelis to control the economic conditions in the Palestinian areas. This is one factor.

"There is another factor, namely, that Israel has left some areas to the Palestinian Authority, but has left them totally destroyed. There is no real economic infrastructure. There is just a consumer market.

"Thirdly, all and any small factories or productive units in the occupied territories have been linked to Israel, to the Israeli economy.

"Fourthly, there are no outlets. The closure is one example. The closure does not simply mean that Palestinian workers will not be able to work in Israel, although they are the ones mainly to bring in an income, which leads to an economic revival in the Palestinian areas. But the workers going to Israel are not the only source of income. There are sewing factories in the Gaza Strip, employing quite a number of people. But, because of the closure, they have stopped functioning. All sewing factories have been closed and the workers find themselves out of a job. Because of the closure, no exchange takes place with the Israeli factories any more. More than 3,000 workers in the sewing industry have lost their jobs. As regards construction workers, according to the report by Mr. Terje Larsen, United Nations Coordinator, the closure has resulted in the loss of a job for a large number of workers. So, with these examples, I mean to show that the measures taken by Israel, the closures, namely, do not only affect the working force working in Israel, but also affect the process of production internally.

"Closures have also affected the fishermen, even in areas under Palestinian authority, even in Gaza under the Palestinian rule. Israeli torpedoes have damaged fishing nets. A number of incidents have taken place, where Israelis fired at the fishermen, although the fishermen had not gone out of the territorial waters of Gaza.

"On the other hand, I believe that the new Government is going to take measures that are likely to render the situation even more complicated, whether regarding the peace process itself or the economic situation in Palestine in general. The reason is the nature of the set-up of the new Government and its declared political programme." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

376. This is how another witness described the current economic situation in the occupied territories:

"Following the peace agreement, the economic situation has become very bad." (Anonymous witness no. 15, A/AC.145/RT.695/Add.1)

377. One witness described the situation regarding Arab workers and foreign workers in Israel:

"At work, there is a discrimination between Arab workers and foreign workers. Before the intifada, we used to get double what we get now as a salary. That is due to the influx of foreign workers. I work six days a week. However, I cannot live like any other person in any other country. I don't get even half of what the ordinary people in other countries get. Also, if I work in Tel Aviv for instance, any policeman can arrest me and put me in prison and he can even put the owner of the company I work for in prison for reasons that I don't know of. I can be beaten for any reason, or without a reason.

"Also, only workers over 40 or 45 years of age are allowed to enter Israel and these cannot exceed 5,000 persons. That is what I wanted to say.

"It reaches the point that I cannot afford to pay for the treatment of my son who has kidney stones. And the hospital could not help me. I cannot make ends meet." (Anonymous witness no. 4, A/AC.145/RT.691)

378. The witness described how much time it takes him to arrive at his place of work:

"I leave my house at about 3.30 in the morning and I get to my place of work at 7 o'clock in the morning. Sometimes, depending on the checking process, when it is very thorough, it takes

longer and I arrive at work at 8 o'clock or 8.30 in the morning.

"We are allowed to remain in Israel from 5 o'clock in the morning until 7 o'clock in the evening. We are forbidden to stay longer. If we stay overnight in Israel once, just once, we land in prison and we are prohibited from entering Israel again." (Ibid.)

379. Another witness expressed his views about the employment of Palestinian workers by Israelis:

"There are foreign workers. There are many foreign workers. But in the end, the Israelis still cannot do away with Palestinian workers, because the Palestinians have worked with them for a very long time. They know each other well. Also, the Palestinians are good and skilled workers and they are cheap labour."

"If I have work, I have an income and it is enough for my needs. But we work for only three or four months a year and for the remaining part of the year the roads are closed. Now, there is a new regulation. The pretext is that the workers are too young. The regulation is now that the workers entering Israel have to be 40 years old or older. The workers younger than that are not allowed access into Israel." (Anonymous witness no. 6, A/AC.145/RT.691)

380. The witness described how he gets to work:

"Three hours. I leave my house at 4 o'clock in the morning. I arrive in Tel Aviv at 7.30 in the morning. The distance is only 100 kilometres, it should not take more than one hour." (Ibid.)

381. A witness from Gaza spoke about the economic situation of Palestinian workers who work or used to work in Israel:

"Another subject I would like to speak about is the situation of the workers who work in Israel. Israel says that they have many reasons for closing up the area, either political or for security reasons. All of it is nonsense and not right. It is an economic policy to oblige the Palestinians to surrender to what they want. If you go to Gaza now, you'll see how crowded it is with labourers who do not work, who have nothing, who cannot buy anything. I'll give you one example: a sack of flour costs 180 Egyptian pounds. How can people buy it? No one mentions that. Workers who cannot work, how can they buy? I came here from Gaza recently, that is, last week.

"We suffer too much. No work. The United Nations, or I don't know whom, gave some help. But what kind of help? What kind of help if you see with your own eyes what the situation is. It is a catastrophe. To give a worker 10 shekels, that is 3 dollars, to clean the streets. What does that mean? Nothing. Just to eat. Treating the people like beggars, like beggars only and not like human beings. In my own opinion, it is meant that way, so that the people have to yield, to surrender. No workers can go. The border is closed." (Mr. Omar Khalil, witness no. 5, A/AC.145/RT.691/Add.1)

382. The witness told the Special Committee about the situation regarding his own crops:

"I will give you my own example. I planted 20 dunums of potatoes. I sold nothing. One dollar for 20 kilos. It is nothing. What can we do? If you go there, I will show you my land, how I kicked the potatoes on the land. I did not pick the potatoes. I left them there. Three shekels for a box, what does that mean? Three shekels, one dollar for a box of 20 kilos, what is it? I prefer

to keep them on the land. And this is now, with the Palestinian Authority. But the Israelis meant to close everything, in the face of the Palestinian Authority." (Ibid.)

383. The witness spoke about the specific situation of Gaza fishermen:

"Let's take fishing for instance. The fishermen are given only limited hours and limited areas to fish. Three miles only are they allowed to go, instead of 9 or 12 miles as is written, but that is paper only!

"Why do I mention fishing? I mention it because it is important for the economy of the Gaza Strip. Fish instead of meat and chicken. Fish is cheaper, cheaper for the workers who cannot afford meat." (Ibid.)

384. The B'tselem fieldworker described the effects of the closure imposed on the occupied territories on the health of their population:

"As an example, let me mention that 60 patients suffering from cancer have to go regularly to Israel for treatment. They have been prevented from leaving the West Bank to go to Israel. The inhabitants of the West Bank and of the Gaza Strip have been prevented from going to Makassed Hospital, which is the main hospital catering for the inhabitants of the West Bank. This hospital is situated in Jerusalem. The spokesman of the hospital said that 220 beds out of 264 are vacant because of the closure, whereas normally the hospital is fully booked."

"Regarding now the restrictions put on the movements of medical personnel in the West Bank during the internal closure, medical staff have not been allowed access to the hospitals where they work. As many as 318 doctors and 705 nurses, pharmacists and laboratory specialists have not been able to go to their places of work. These statistics are drawn from reports issued by the Palestinian Health Ministry. During this internal closure, 245 clinics could not function. There was also, of course, lack of basic medical equipment and drugs. Many clinics had to close down because of lack of medicines. There was, for instance, a shortage of Ventolin and antibiotics, lack of oxygen, of sterile water, as well as vaccines. Food supplies were also scarce." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

385. Another witness described the effects of the closure on the health sector:

"In the health field for example, there are 25 health institutions in Jerusalem, such as hospitals, clinics, health centres or rehabilitation centres. The figures gathered by my colleagues indicate that the volume of consultations given by these health institutions has dropped by more than 60 per cent since the recent Israeli closure." (Mr. Abdel Rahman Abu Arafah, witness no. 10, A/AC.145/RT.694)

386. The witness described the effects of the closure on the Arab economy in Jerusalem:

"Estimates have been made by members of our committee and by various economic researchers. These estimates indicate that the volume of sales has dropped in Jerusalem by 80 per cent." (Ibid.)

387. A witness described the inequality of social benefits between Palestinians and Israelis:

"Because when you go beyond the borders of Jerusalem, they invalidate your identity card and stop the childrens' benefits. However, the Israelis have the right to have settlements outside the borders and live there. And they are not deprived of their social benefits. They just want to make Jerusalem too hot for us, so that we leave. I want to build a house. I cannot get a permit for that." (Mr. Mahmoud Abdallah, witness no. 13, A/AC.145/RT.695)

388. A witness told the Special Committee how costly it was for Palestinians to obtain building permits:

"They asked me for half the price of the house to get the permit. An Israeli would just go and build without a permit." (Ibid.)

389. A witness who testified before the Special Committee described the costs of building in Jerusalem:

"What the Israelis have done is the following: there really were Arab villages that have amalgamated to become Jerusalem and the Israelis have in fact done spot planning and have not taken into account land ownership at all and they have allowed building - when possible - in places where buildings already exist. So, the majority of Palestinians, in all these neighbourhoods, have to build without a licence. Now today - and I think you should know this - a licence to build a house in Jerusalem (there is no public housing for Palestinians, there is no public funding and mortgages, there are no facilities made available for Palestinians) for a Palestinian can cost up to 90,000 shekels, which is about 30,000 dollars, just for the licence and the levies that are attached to the licence. You must realize that the average good income, including national insurance payments, is about 3,000 to 3,200 shekels a month in East Jerusalem, that is about 1,000 dollars. You can understand then what 30,000 dollars means in terms of what you have to pay even before you begin building." (Mrs. Linda Brayer, witness no. 9, A/AC.145/RT.694)

390. A witness from Gaza described the effects of the closure on the health situation in the occupied territories:

"As you know, during the whole period of occupation from 1967 until the establishment of the Palestinian Authority in 1994, the Israeli authorities have not developed the sanitary infrastructure of the territories whatsoever. The hospitals do not even have the basic equipment and there is a total dependence on the outside world, in terms of medicines, equipment as well as hospitalization in many cases.

"The present continued closure has led to a grave deterioration in health services. For a period of more than a month, the hospitals in the Gaza Strip suffered a serious lack of medicines, and particularly a lack of the necessary products for laboratories. There is an acute shortage of drugs for the treatment of chronic diseases, such as high pressure, cancer and diabetes.

"With the closure, the Israeli authorities have refused to give to patients even in serious condition permits to go to the West Bank, or to Israel, or to Jordan, and anyway we have to go through the Israeli territory in order to have access to the outside world." (Mr. Hamdi Shaqqura, witness no. 20, A/AC.145/RT.697/Add.1)

391. The witness drew the Special Committee's attention to the economic situation in the occupied territories resulting from the closure:

"With the closure, commercial activities between Gaza and the outside world have been restricted. No basic materials were allowed entry, be it food or other products. I am sure you heard about the very critical situation resulting from the acute shortage of flour. Palestinians have to stand in long lines in order to receive some flour. There is such an acute shortage of flour because the import of flour from or through Israel was stopped for over one month. The Gaza Strip consumes about 8,000 tons of flour every month. When the blockade was eased a bit, only 5 to 10 per cent of this quantity was allowed in. So, even with an easing of the blockade, the quantities imported could not meet the basic needs of the population.

"What applies to flour applies to other imports as well, including building material. With the reconstruction in Gaza and the efforts made by the Palestinian Authority to attract investment, there is an increased demand on building material. But the import of cement, iron and other building material was stopped for a while. Now, small quantities are allowed in, but the administrative procedure is complicated and it does not facilitate imports into the Gaza Strip. This also applies to raw materials needed by various industries.

"The question of agricultural exports is very important too, because the Gaza Strip depends largely on agriculture, especially vegetables and citrus fruit. Agreements have been passed between the Ministry of Agriculture and importers from Europe. So deadlines have to be met for the planting, cropping and exporting of the various products and the closure, meaning preventing export, is simply a catastrophe for the Gazan agriculture.

"All these measures contribute to the deterioration of the economic situation in the Gaza Strip in an unprecedented manner, as the closure influences production in general, in industry, agriculture and even services and tourism. So, the negative consequences of the closure affect everybody." (Ibid.)

392. The witness also described the situation of Gazan fishermen:

"There is also a blockade on the seashore of the Gaza Strip. According to the Agreements, fishermen of the Gaza Strip have the right to fish in an area of up to 20 nautical miles offshore. With the closure, a maritime blockade has been imposed and the fishermen have been prevented from going out to sea to fish. Now, they are allowed to fish up to 12 nautical miles offshore, which is, as I said, in contradiction with the Agreements and is not sufficient. Moreover, the fishermen are often threatened by the Israeli military. They are exposed to firing. Their equipment gets destroyed, the nets in particular." (Ibid.)

393. Accounts of the economic and social situation prevailing in the occupied territories may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.690 (Mr. Fuad Issa Abu- Hamed), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer), A/AC.145/RT.694 (Mrs. Natalie Rothman), A/AC.145/RT.695 (Mr. Mahmoud Abdallah), A/AC.145/RT.695/Add.1 (anonymous witness) and A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura).

Written information

394. On 1 April, B'tselem sent to Prime Minister Shimon Peres a report on human rights violations in the territories as a result of the closure. According to the report, eight Palestinian patients had died since the imposition of the closure for lack of medical treatment while dozens of other seriously ill patients had been denied vital treatment. In addition, nine houses had been demolished or sealed, one by mistake and almost 1,000 persons detained during a wave of arrests in Judea and Samaria (West

Bank). Many were subsequently imprisoned under an administrative detention order and interrogated under torture. The report went on to observe that although Israel had the right to take action against the perpetrators of attacks, collective punishment constituted a gross violation of international law and risked pushing Palestinians to commit violent acts of despair against Israelis. (Ha'aretz, 2 April)

395. On 5 April, it was reported that an Israeli ministerial committee set up by the Israeli Government earlier in the week had decided to increase the number of trucks allowed to travel from and into the Gaza area. (The Jerusalem Times, 5 April)

396. On 7 April, the IDF allowed Palestinians to export merchandise through the Karni cargo terminal. (Ha'aretz, 7 April)

397. On 11 April, it was reported that Prime Minister Shimon Peres had decided to increase from 3,000 to 7,000 the number of Palestinians who were allowed to work in Israel. The workers had to be at least 40 years old. (Ha'aretz, 11 April)

398. On 8 May, an official of the World Bank announced that the Bank was planning to increase its loans to the Gaza Strip and the West Bank in order to help those regions cope with the economic crisis caused by the closure. The Bank was expected to approve two loans amounting to a total of \$65 million by the end of June aimed at rebuilding the Palestinian economy's crumbling infrastructure and at providing badly needed jobs. (Jerusalem Post, 12 May)

399. On 12 May, the Association of Physicians for Human Rights presented the Prime Minister and the Health Minister with a report describing gross violations of human rights in the medical field committed by the State both in Israel and the territories. According to the report, children and chronic patients from the territories could not receive medical treatment because of the closure; restrictions were placed on the movement of medical personnel and delays occurred in the departure of patients for treatment in Jordan. The report charged Israel with violating the right to medical treatment by denying entry permits to patients, delaying patients and injured Palestinians at roadblocks at the entrance to Israel, refusing, on principle, the issue of entry permits to Palestinian fathers aged under 30 in order to allow them to accompany their ill children and limiting the number of days or hours accorded to parents to accompany their children in connection with hospitalization and operations. The report stated that Israel was restricting the freedom of movement of doctors and medical personnel and automatically revoking their entry permits with the imposition of each closure. As a result, hospitals in East Jerusalem had to operate with fewer than half of their personnel, which was viewed by the doctors as an attempt to force hospitals to change the composition of their personnel and employ fewer workers than in the West Bank and Gaza Strip, on the grounds that specialists and doctors employed on a part-time basis were not essential for the functioning of the hospita