

THE MIDDLE EAST ACTIVITIES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

June 1967—June 1970¹

II

V. Destruction of property

Article 53 of the Fourth Convention states that “any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”.

Moreover, Article 33 declares that no protected person may be punished for an offence he or she has not personally committed.

Delegates of the ICRC, in the course of their daily unrestricted movements in the occupied territories, found that there were three kinds of destruction carried out as measures of punishment.

1. *Destruction of villages or town quarters*

In 1967, ICRC delegates observed, after the event, that the following villages and camps had been destroyed: Yalou, Beit Numa and Yuwas, in the Latroun area; Surif, Beit Awwa, Beit Mirsem and Il Shuyoukh in the Hebron area; and Jifik, Agarich

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and Nuseirat in the Jordan valley. They also saw that certain quarters of Jerusalem, Qalquilya and Tulkarem had been demolished.

The delegates had never personally witnessed at any time these acts of destruction actually taking place, as they had always been carried out in areas which were declared to be military zones. The protected persons who had lived there stated that, after the inhabitants had been evacuated, the dwellings had been destroyed by the army of occupation. According to these same statements, the villages of Yuwas, Yalou, Beit Numa, Surif, Beit Awwa and Beit Mirsem had been destroyed between 10 and 15 June 1967, Il Shuyoukh at the end of October, Jiflik and Agarich in November and Nuseirat on 6 December 1967.

In his letter of 4 August 1967, the head of the ICRC delegation in Israel had stressed that such measures were contrary to Article 53 of the Fourth Convention; he asked what steps the Occupying Power intended to take on behalf of the inhabitants who had been displaced. Following several further representations by the ICRC, the Ministry of Foreign Affairs replied on 31 October 1967 that the villages near Latroun had been destroyed in the course of violent fighting that had occurred in that area. It added that the Israel Government had tried to provide some assistance to the families affected by the military operations and that it was prepared to discuss with the ICRC the question of aid that the latter might wish to provide.

When, as already mentioned, villages were destroyed in October, November and December 1967, the head of the delegation, on 21 December 1967, reiterated verbally to the Ministry of Defence the ICRC's opposition to such measures.

The families whose homes had been destroyed received assistance from certain relief organizations and from the Occupying Power. Delegates were able to see that the villages in the Latroun area and in the Jordan Valley had not been rebuilt. As far as it is known to the ICRC, no compensation has yet been paid to victims. On the other hand, destroyed villages in the Hebron area have been rebuilt by their inhabitants, with assistance in cash and in kind from the Occupying Power. The same applies to those quarters of Qalquilya that were destroyed.

2. *Destruction of houses*

In the occupied territories of Jordan West Bank, Gaza and Sinai, delegates observed that, since 1967, a number of houses belonging to, or inhabited by, protected persons, had been destroyed by order of the military authorities. They had also noticed that some houses not in military zones had been destroyed.

As soon as these incidents were brought to the notice of the ICRC, and had been verified by its delegates on the spot, the ICRC and its delegation in Israel expressed to the Israel Government their grave concern at such acts. The ICRC demanded that the authorities in the occupied territories should refrain from the use of such repressive measures.

Besides the numerous representations made locally by the ICRC delegation, the principal steps that were taken by the ICRC are here set out:

On 16 October 1967, the ICRC Delegate-General for the Middle East protested against the practice of destroying houses. The spokesman of the Israeli authorities replied that Articles 33 and 53 of the Fourth Convention could not be put forward, as they referred to cases of destruction of property by vandalism, or to acts of reprisal properly so called; he claimed that the acts of destruction carried out by the Israeli armed forces as a punishment for acts recognized as criminal constituted a relatively mild form of punitive action and had been adopted to safeguard national security.

On 22 February 1968, the question was brought up before the Ministry of Defence, who confirmed the position of the Israel Government, namely that it was not for the ICRC to intervene in a question that affected directly the maintenance of the security of the State. Nevertheless, the Minister was prepared to examine with the delegates, on an *ad hoc* basis, the humanitarian problems arising from these acts of destruction. He also gave assurance that persons whose houses had been damaged as a result of secondary effects or had been destroyed by mistake would receive due compensation.

In April 1968, Mr. Pierre Gaillard, Assistant Director of the ICRC, went on a special mission to Israel and the problem of the destruction of houses was again discussed.

On 8 August 1968, the head of the ICRC delegation in Israel reiterated to the Minister of Foreign Affairs the grave concern with which the ICRC viewed the destruction of houses in the occupied territories. With regard to the question of compensation for houses damaged as a result of secondary effects or by mistake, the delegate found that, in

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the previous six months, no compensation had been paid, except in a few cases. The Minister confirmed that the decision to pay appropriate compensation, and even to rebuild any houses that had been destroyed by mistake, had been approved.

On 20 October 1968, following a new series of acts of destruction in the areas of Gaza, Hebron and Nablus, the head of the ICRC delegation handed the Ministry of Foreign Affairs a memorandum in which, while deploring all terrorist attacks against civilians, he insisted that such attacks in themselves were no justification for resorting to reprisals or any other form of collective penalties, including the destruction of buildings, as expressly prohibited in Articles 33 and 53 of the Fourth Convention. In view thereof, he demanded that the destruction of houses should cease.

On 2 December 1968, the President of the ICRC sent the Ministry of Foreign Affairs a letter which repeated the contents of the note of 20 October and asked the Government to refrain from such measures of repression. The Israeli authorities replied in their letter of 15 January 1969 that they had taken cognizance of the views expressed by the ICRC.

On 16 January 1969, the head of the ICRC delegation had talks at the Ministry of Defence; there was no change in the Government's attitude.

On 10 October 1969, ICRC delegates heard that some houses at the refugee camp of Jabalia near Gaza would possibly be destroyed, and drew the attention of the Ministry of Defence to these rumours. No measures of this kind were carried out.

3. So-called punishment of neighbours and individual responsibility

On 24 and 25 October 1969 at Halhoul (Jordan West Bank), and again on 30 October 1969 at Gaza, armed forces of the Occupying Power destroyed a number of houses, in accordance with the "punishment of neighbours" policy.

On 30 October, the head of the ICRC delegation made representations to the Ministry of Foreign Affairs, and stressed not only the extent of the destruction but particularly the fact that, in the opinion of the ICRC, these measures constituted collective reprisals, and were contrary to Article 33 of the Fourth Convention.

On 23 December 1969, the Ministry of Foreign Affairs transmitted to the ICRC delegation the text of a statement by the Prime Minister which had been communicated to the press on

13 November, and which declared that the acts of destruction of buildings at Halhoul and Gaza were in keeping with the Government's policy of destroying the houses of persons helping members of al-Fatah.

Since then, no further measures of collective reprisals have been observed by the ICRC.

4. *Practical activities*

As the ICRC delegates in Israel and the occupied territories were unable to have the destruction of houses completely stopped they now endeavour, while reaffirming their fundamental position based on the Fourth Geneva Convention, to come to the assistance of victims of these acts in the following manner:

1. Delegates proceed, as far as possible, to places where acts of destruction have been brought to their notice. They put questions to the persons affected by these measures, in order to determine whether they had received prior notification from the authorities and whether they were able to save all or part of their furniture.

2. Delegates find out about the living and housing conditions of victims of acts of destruction and about their possible need for outside assistance.

3. Where there are cases of people whose means of existence are below the absolute minimum, delegates draw the attention of the authorities to their condition and ensure that relief supplies are distributed at the earliest possible moment. Tents, blankets, clothes and food, for a value of about 50,000 Sw. Frs have been made available by the ICRC to the authorities, to be distributed to this end.

4. The ICRC delegation backs up application for compensation made by persons whose houses have suffered damage due to secondary effects or have been destroyed by mistake. It has acted several times to this effect.

5. The delegation draws and sends the ICRC up a separate report on each case of destruction of houses which is brought to its knowledge.

VI. Hygiene and public health

Article 56 of the Fourth Convention states that "to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national

and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory". As these are among the most important of the contractual obligations, the ICRC delegation in Israel and the occupied territories made sure, on the one hand, that the Occupying Power had taken appropriate health and hygiene measures, and, on the other, endeavoured, to that end, to bring assistance to the Arab population and to co-operate with the occupying authorities. ICRC delegates have carried out 200 visits to medical establishments, 100 of them being in Jordan West Bank. In addition, they have distributed medicaments to a value of 120,000 Sw. Frs.

1. *Jordan West Bank*

With the consent of the occupying authorities, ICRC medical delegates carried out two surveys of a general nature in Jordan West Bank: one from August to October 1967, and the second from May to June 1969. During their surveys, which were later the subject of official reports, all hospital establishments and State and private infirmaries were visited. A third survey similar to the first two is being carried out at present.

These general surveys had been preceded in June 1967, and followed in June 1969, by numerous other individual visits made by the delegates themselves to these same establishments.

Doctors and delegates found that, as a general rule, hospitals and polyclinics had never ceased their activity, that medical staff were able to work without hindrance and that no epidemics had been observed. However, two serious problems restricted, especially at first, the efficacy of medical and hospital establishments:

1. As several doctors and nurses had fled at the time when fighting broke out, some hospitals found themselves short of staff, especially dispensaries in villages, which in some cases had to be closed down, for lack of doctors. The ICRC delegation intervened with the authorities that they should encourage those doctors who wished to do so to return to the occupied territories.

2. Delegates found that in most hospitals, the supply of medicaments was unsteady and sometimes altogether lacking. The

ICRC delegation made suggestions to these hospitals that they should furnish the authorities with lists of the medicaments which they required, and, if necessary, it sponsored their requests. Furthermore, when it saw that hospitals were still short of medicaments, the ICRC obtained from the Israel Government the authorization to distribute to them medicaments to a value of 90,000 Sw. Frs.; this was an exception to the regulation prohibiting imports of medicaments into Israel and the occupied territories. From 1969, delegates found that the situation had returned again to normal.

The ICRC delegation helped private hospitals, managed by local branches of the Red Crescent or other voluntary institutions, by supplying them, in 1967 and 1968, with certain medicaments which they had been unable to purchase, for lack of funds. Moreover, it encouraged certain institutions to set up infirmaries where there had been none before; with a view to this, it granted to them cash donations for specific projects amounting to 30,000 Sw. Frs.

2. Gaza strip and Sinai

Exhaustive visits to all medical and hospital establishments were carried out during the first few months after the June 1967 war. As in Jordan West Bank, ICRC medical delegates made their fullest visits in May-June 1968, November-December 1968, and June 1969. These last visits were the subject of reports sent by the ICRC to the Occupying Power and the Power of Origin. A new survey is being carried out at present.

Right from the start of the occupation, delegates were able to visit hospitals and infirmaries in Northern Sinai. However, it was only in May 1968 that a doctor-delegate was able to carry out a survey of the health situation in these areas.

In the course of some hundred visits to hospitals, effected since the end of the 1967 war, delegates observed that the most pressing problem was, and still remains, that of the shortage of doctors and medical personnel, coupled with the strain caused to existent personnel from overwork. The situation was gravest in the el-Arish area, as only 3 out of the 37 doctors who were there before the June 1967 conflict were still in practice at the end of 1968.

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The ICRC drew the attention of both the Occupying Power and the Power of Origin to the gravity of this situation. The doctor delegates made a number of suggestions as to improvements, the most important ones being, first, to encourage Palestinian doctors to return and, secondly, to increase earnings of those established in the area. In addition, there arose in this region, as in Jordan West Bank, the problem of medical supplies.

The critical medical situation improved somewhat during 1969, after the Occupying Power had carried out the following measures:

- return of 9 Palestinian doctors from west of the Suez Canal;
- increase of doctors' earnings, in keeping with the rise in the cost of living;
- weekly visits by teams of 5 or 6 Israeli doctors to the el-Arish Hospital;
- provision of a helicopter for the evacuation of emergency cases that could not be treated on the spot, to hospitals in Israel;
- opening of a new polyclinic and of a nurses' training school in Gaza;
- repair of faulty equipment in civilian hospitals;
- setting up of a mobile medical service, attached to the Israeli Army, for Bedouin tribes in Sinai: 3 medical teams for north, central and south Sinai;
- initiation of the systematic tracking-down of tuberculosis and of a preventive vaccination campaign: over 30,000 vaccinated in 1968 and 1969.

3. Golan Heights

After the 1967 conflict, no Syrian doctors or nurses stayed behind in the occupied territory of the Golan Heights. A preliminary survey by ICRC delegates in June 1967 showed that the medical situation was satisfactory; this result was later confirmed, and mild cases were, and still continue to be, treated at the military hospital in Kuneitra, while the more serious ones are sent to hospitals in Israel.

4. Requisitioning of hospitals

As far as the ICRC is aware, three hospitals in the occupied territories have been requisitioned and turned into police stations. They are the new governmental hospital at Jerusalem, the Jordanian armed forces hospital at Nablus and the U.A.R. Red Crescent

hospital at el-Arish. In spite of representations by ICRC delegates, on the grounds of article 18 of the Fourth Geneva Convention, these three medical establishments have not been converted back to their original function.

The delegates also found that, immediately after the June 1967 conflict, the UNRWA dispensaries at Kuneitra and Raffah had been looted, but it was not possible to discover who had committed these acts.

VII. Food supplies for the population — Relief and donations

1. General situation in the occupied territories

As soon as active hostilities had ceased in June 1967, ICRC delegates investigated whether Articles 55 and 59 of the Fourth Convention, dealing with food and medical supplies in occupied territories and the possible organization of relief schemes, were being applied.

In August 1967, they came to the conclusion that there was no real food emergency, as the inhabitants had sufficient reserves.

At the start of the occupation and in conformity with Article 55, the Israel Government stated its determination to ensure the food and medical supplies of the protected population, and informed the ICRC that external aid, provided for in Article 59, was not indispensable, as the requirements of the inhabitants in occupied territories were being met by the Israeli administration.

Several times in 1967, the ICRC requested the authorization to distribute relief supplies to protected persons. As regards distributions to individual persons, it enjoyed at first full freedom of action, while for collective distributions, its operations were from the beginning co-ordinated with those carried out by the Ministry of Social Affairs.

In April 1968, a new arrangement was put into practice for ICRC distributions: only relief supplies in respect of special needs, recognized by the ICRC and the Ministry of Social Affairs, would be accepted, the entry of medicaments being barred. Further, the ministry was to be in charge of all distributions to the inhabitants of occupied territories, but ICRC delegates would be allowed to

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participate in setting up programmes and controlling their execution, in particular by attending the distribution of relief.

2. Practical measures by the delegation

a) Jordan West Bank

In Jordan West Bank, relief actions by the ICRC were first of all directed to indigent persons who had not yet been registered with the Ministry of Social Affairs and were not receiving aid from local charity associations.

The Jerusalem delegation carried out a three-fold relief programme: medical aid, food relief and distribution of other relief such as clothing, tents and blankets.

ICRC activities in Jordan West Bank were as follows:

In 1967:

- at Qalquilya (medicaments, clothes, blankets);
- financial aid to two Jerusalem dispensaries;
- distribution of fresh milk to ten child welfare institutions;
- distribution of medicaments, blankets and clothes to various charity institutions, hospitals, dispensaries and persons.

In 1968:

March: Distribution of relief supplies in 27 areas, in co-operation with Red Crescent local branches, charity institutions and the Ministry of Social Affairs: 12 tons of milk, 10 tons of baby food, 3 tons of raisins, 6,500 blankets, 138 tarpaulins and some 10,000 pieces of clothing for men, women and children.

May-June: Distribution of medicaments to hospitals and dispensaries in Jordan West Bank.

May-December: Financial aid to four private dispensaries including those belonging to the Red Crescent at Ramallah and Jerusalem.

August-December: Distribution of 63 tons of powdered milk, in monthly rations, to 18,000 recipients (infants), over a network of 58 distribution centres, in co-operation with Red Crescent local branches and the Ministry of Social Affairs.

October-December: Distribution of 4,440 blankets to 22 charity institutions.

In 1969:

Financial aid to dispensaries and distribution of milk (50 tons) for four months, from June to September 1969, in 7 districts: Nablus, Tulkarem, Jenin, Ramallah, Bethlehem, Jericho and Hebron.

In autumn, distribution of about 1,200 pieces of clothing to charity institutions.

b) *Gaza strip and Sinai*

Collective relief.—The ICRC delegation was authorized to forward and distribute foodstuffs and various relief supplies to the civilian populations of Gaza and Sinai, in April and May 1968 (75 tons), from September to December 1968 (300 tons) and from July to October 1969 (760 tons); 100,000 protected persons received assistance. A new aid programme was approved by the ICRC in June 1970 for the despatch of 3,000 tons of foodstuffs to needy persons in the occupied territories.

In the Gaza-Sinai area, ICRC relief constitutes an additional aid to that already distributed by the Israel Government to indigent persons to ensure their bare minimum requirements. Distribution programmes and lists of recipients were drawn up jointly by the ICRC and the Ministry of Foreign Affairs. The aid provided by the ICRC allowed the number of recipients registered at the Ministry of Social Affairs to be increased, including in particular 5,000 additional indigent persons in the el-Arish area.

Individual relief.—Since autumn 1968, the Occupying Power has not authorized the ICRC to send individual relief consignments; it has based its refusal on the security clause in Article 62 of the Fourth Convention.

c) *Golan Heights*

From 1967 to 1969, the sub-delegation at Kuneitra, in agreement with the local military authorities, carried out individual relief distributions (clothes, blankets, sundry relief supplies).

3. *Relief action by the ICRC in Arab countries*

1. *General*

The military operations in June 1967 and the territorial occupation that ensued led to the departure of a vast number of Arab civilians. More than 200,000 people crossed from the west bank to the east bank of the Jordan, and more than 100,000 inhabitants of the Golan Heights fled, after their land had been occupied, to the

regions around Damascus and Deraa, while many thousand Palestinians who had been living in Gaza left occupied territory for the west bank of the Suez Canal.

The size of the problem called for Red Cross relief action to be initiated, this in addition to the efforts of UNRWA and various voluntary agencies who were active in these territories. On 14 June, the ICRC launched an appeal to National Red Cross and Red Crescent Societies. By virtue of an agreement concluded with the League of Red Cross Societies, the ICRC took over the co-ordination of relief action for displaced persons and refugees and for civilian populations in the occupied territories during the emergency phase. Thus, relief action for displaced persons in Transjordan was carried out by the ICRC until 8 July 1967 when the League took over from the ICRC. Moreover, the ICRC also was responsible for relief action in Syria until 28 February 1968, when it transmitted its responsibility to the Syrian National Red Crescent Society and to the Syrian Government.

2. *Jordan*

Already on 5 June 1967, the ICRC despatched by air freight to Jordan several tons of blood plasma and medicaments. Later on, several dozen tons of medical supplies, foodstuffs, clothes, blankets and tents were sent by National Red Cross Societies, thus enabling the Jordanian Red Crescent to organize relief distributions to various institutions and to needy displaced persons.

3. *Syria*

Immediately after the conflict, the ICRC, working in close co-operation with the Syrian Red Cross and Syrian Government, carried out a large-scale relief action for more than 100,000 displaced persons from occupied territory, who had installed themselves around Damascus and Deraa. Thanks to the active support of National Red Cross Societies, about 400 tons of foodstuffs were distributed every month, in addition to tents, clothes, blankets, utensils and primus stoves. As winter approached, however, it was necessary to adopt new measures on top of those already being undertaken on the spot. On 17 October 1967, the ICRC and the League of Red Cross Societies launched a new, joint appeal on

behalf of the victims of the conflict. It is estimated that several million Swiss francs worth of relief supplies were as a result sent to the victims in Syria, through the channel of the ICRC, from its own stocks, or from National Societies and Governments.

Further, at the beginning of the winter of 1968, with a view to bringing aid to displaced persons, the ICRC sent once again to the Syrian Red Cross 50 tons of foodstuffs and 4,000 blankets.

4. *United Arab Republic*

In June 1967, the ICRC sent to the United Arab Republic a certain amount of plasma and medicaments. In January 1968, about 50 tons of second-hand clothing and some medical supplies from one of the National Red Cross Societies were handed over by the ICRC to the Red Crescent Society of the United Arab Republic and to other voluntary organizations to be distributed to displaced persons in Egypt.

VIII. Local branches of the Red Crescent

Shortly after the end of hostilities in June 1967, ICRC delegates found that several local branches of the Jordanian and Egyptian Red Crescent Societies, which were in occupied territories, were in difficulties owing to the freezing of their bank accounts and, also, because of the departure of some of their committee members. Nearly all were anxious to renew their activities, such as the upkeep of dispensaries, kindergartens, schools, nutrition centres and so on.

Article 63 of the Fourth Convention states that recognized National Red Cross Societies shall be able, under occupation, to continue the activities which they pursued before a conflict. The first task of the delegates was therefore to ensure that these Societies would be able to carry on and to obtain all necessary facilities from the occupying authorities.

Once this was achieved, the ICRC itself furnished material aid to the Societies.

1. *Jordan West Bank*.—Already on 6 August 1967, the head of the ICRC delegation asked that local branches of the Jordanian Red Crescent should be allowed to resume their activities. On 13 November 1967, the Ministry of Foreign Affairs replied that, subject to any possible security measures that might have to be taken, it did not have any objection to

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the pursuit of humanitarian activities by these local branches, and that those requiring assistance were invited to apply directly to the relevant Israeli authorities.

Following this positive answer, the delegation carried out a full investigation into the situation of the ten local branches of the Jordanian Red Cross. It then informed the Israeli authorities of the resumption of their activities and of the composition of their committees. In addition, in order to re-activate these branches, the ICRC extended to them financial aid, totalling 120,000 Swiss francs, so that they could purchase furniture for kindergartens and set up or keep up dispensaries. With the approval of the Israeli authorities, the ICRC also made various gifts in kind.

2. *Gaza*.—On 17 June 1969, the occupying authorities consented to a Red Crescent Society being formed in Gaza, but in July 1969, its activities were suspended. The ICRC delegation intervened at once, in order that this measure should be repealed.

3. *El-Arish*.—The local branch of the Red Crescent Society of the United Arab Republic at el-Arish resumed its activities in March 1968. The Ministry of Foreign Affairs in Israel was officially informed of this by the ICRC delegation.

This local branch had encountered some difficulty in resuming normal activities, because some of its members had left el-Arish in June 1967 when hostilities had broken out, and, also, because its funds and medical supplies had been blocked. The ICRC approached the authorities several times so that it could be able to carry on normally, according to Article 63 of the Fourth Convention.

On 3 December 1968, these various representations bore fruit: the local branch dispensary was re-opened and some of the medicaments unblocked.

Nevertheless, in November 1969, the occupation authorities ordered the Red Crescent at el-Arish to restrict its activities to a single first aid post. The ICRC delegation requested that this local branch might be allowed to run a dispensary. On 26 January 1970, the authorities announced that their decision was unchanged, the reason given being that there were only three doctors in el-Arish, that their duties at the el-Arish Hospital kept them extremely busy and that, consequently, they would not find the time to work in a new dispensary.

IX. Penal Prosecution

1. *General Remarks*

Assistance to protected persons who are the subject of penal prosecution is normally within the purview of the Protecting Power.

In the absence of such a Power, the ICRC felt it its duty to extend its action in this field in Israel and the occupied territories. However, that action did not become systematic until the autumn of 1969. It was to enable the ICRC to judge to what extent articles 64 to 75 of the Fourth Geneva Convention were applied.

The ICRC delegates attended an increasing number of hearings against protected persons in order to get to know the procedure followed by the Occupying Power's military courts. In addition, in order to increase their knowledge of the legal situation and system, the delegates were in regular contact with the defence council of several persons accused of action detrimental to State security.

The ICRC delegation protested against the practice of retaining in prison, on the basis of an administrative regulation and on the grounds of State security, a number of prisoners who had served their full sentence. Such a practice detracts considerably from the value of the judicial system.

2. Notifications of Prosecution

In order to compensate to some extent for the absence of a Protecting Power, the ICRC delegation in Israel advocated the application of a procedure comparable to the notifications provided for in Articles 71 to 74 of the Fourth Geneva Convention. The ICRC delegates would thus be notified and kept posted on legal proceedings against protected persons.

X. Visits to Detainees and Internees

Since the end of the June 1967 conflict, the ICRC delegates in Israel and the Arab countries have endeavoured to visit civilian detainees everywhere.

1. Israel and the Occupied Territories

a) General remarks

By the end of 1967 the ICRC delegation in Israel had made twelve visits to certain specific groups of civilian internees, totalling about a thousand, mostly Arab consulate and diplomatic repre-

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sentatives in the Ramleh prison, two groups of Egyptian civilians totalling 675 persons in the Atlith and El Arish detention camps, and 313 persons of Syrian, Algerian, Lebanese, Iraqi and Saudi nationality.

In the course of an interview with the Minister of Defence on 21 December 1967, the ICRC delegation in Israel received authorization to visit all prisons in Israel and the occupied territories where protected persons were detained, particularly Palestinians resident in the occupied territories.

The ICRC asked that the delegates be authorized to interview the prisoners or their spokesmen without witnesses. At the end of February 1968, the delegation began systematically to make regular visits to all prisons where protected persons were held.

By 31 May 1970 more than 160 prison visits had been made in Israel and the occupied territories. In the course of each series of visits, the ICRC delegates saw an average of 3,200 detainees. They talked in private with more than 1,500 and spent in all more than 3,500 hours in the prisons. The detainees interviewed without witnesses were freely chosen by their cell-mates or by the visiting delegates with the agreement of the other detainees.

At the end of May 1970, some 3,500 protected persons were being detained by the Occupying Power. Of that number, about 3,200 had been visited by the ICRC; the others were being held for interrogation. The ICRC reported on the majority of these visits, as is customary, to the detainees' own governments and to the Detaining Power.

The prisons visited were at Ashkelon, Beersheba, Damun, Ramleh, Kfar Yona, Neve Tirza, Yagour-Jamalé, Gaza, Hebron, Jenin, Jericho, Nablus, Tulkarem, Ramallah.

The visits to prisons were at times irregular due to administrative difficulties, particularly the shortage of Israeli liaison officers. However, the delegates can now complete the series of visits to the fourteen places of detention in 22 visiting days spread over a little more than a month.

b) *Detention conditions*

The purpose of the visits by ICRC delegates to prisons is to enquire into the general detention conditions and to see to it that the provisions of the Fourth Geneva Convention are respected.

The delegates first see all detainees they are authorized to visit and all cells or dormitories. They take note of the hardship cases (families without a bread-winner, families to be assisted to visit interned relatives, lack of news, etc.). Secondly the delegates talk in private with some of the detainees, perhaps 15 to 50 depending on the size of the prison, and they take note of any complaints and requests concerning detention conditions in general and interrogation conditions in particular. In the third phase, in the presence of a representative of the Ministry of Defence, the delegates talk with the director of the prison and inform him of requests and observations.

On the whole, since the ICRC delegates have had access to prisons, the Israeli authorities have made considerable improvements in detention conditions, particularly in the following:

Material conditions: increase in blankets, straw mats and personal effects; cell furniture; quality of food.

Hygiene: increase in frequency of showers and distribution of toilet requisites.

Leisure: various games, books, school examinations.

Exercise: longer periods.

Relations with the outside world: increase and regularization of mail; improvements in family visit arrangements.

The ICRC delegates, who are in constant touch, in the course of their work, with the Prison Service, have observed during their frequent visits that most of their various suggestions had been put into effect and that improvements tended to spread to all prisons.

In addition, the ICRC delegation took up the following problems at ministerial level:

1. *Visits to detainees from East-Jerusalem*.—As the Israeli Government considers that the inhabitants of East-Jerusalem are subject solely to Israeli national law, detained residents of East-Jerusalem were for a long time denied visits by the ICRC.

The ICRC delegation took the question up with the Ministry of Defence and the Ministry of Foreign Affairs on the grounds that,

whatever the legal and political status of the town according to the Israeli authorities, for the ICRC the internees were entitled to the protection of the Fourth Geneva Convention and in no less need of that protection than people from territory under military administration.

The first visit to the detainees from East-Jerusalem took place in November 1969. On 4 December 1969 the delegation was officially authorized to visit them regularly on the same footing as other internees. The Ministry of Foreign Affairs made it clear that such authorization was a concession and not a right under a treaty, the Israeli Government considering that the Fourth Geneva Convention was not applicable to these people.

2. *Administrative internees.*—During lengthy negotiations with the Occupying Power representatives, the ICRC delegation endeavoured to obtain for detainees interned on an administrative order a separate system of detention and more favourable treatment in view of the, generally, preventive as opposed to punitive nature of the detention. The first step in that direction was taken in July 1968 when the Ministry of Defence agreed that administrative detainees should be separated from, but in the same prisons as, the detainees serving a sentence; should be allowed to wear civilian clothing and should be exempted from work.

The ICRC, in March 1969, asked that a clearer distinction in their detention conditions be made, but the request had hardly any effect as the overcrowding in the prisons has in fact prevented any real separation. During the year, the ICRC delegation took up the question several times with the authorities.

During a mission to Israel in the spring of 1970, the ICRC Delegate-General for the Middle East insisted that the question of administrative detainees deserved a general revision, with a special status and detention conditions and premises for them which would clearly correspond to the preventive nature of their internment.

3. *Treatment of detainees during interrogation.*—During the visits, delegates have sometimes met detainees whose bodies showed traces of, according to the prisoners, ill-treatment during interrogations. In keeping with ICRC general practice, each case was brought to the attention of the military authorities so that they

could investigate whether detainees' allegations were correct and, if so, punish those guilty, as required by the Geneva Conventions and national legislation.

4. *Visit to detainees held for interrogation.*—Anxious to visit detainees as soon as possible after their arrest, delegates endeavoured to induce the occupation authorities to apply with great moderation the right conferred on them by article 5 of the Fourth Convention to deprive certain detainees of rights of communication.

During an interview granted to the ICRC Vice-President in March 1969, the Minister of Defence confirmed that ICRC delegates were authorized to talk in private with prisoners whose interrogation was finished. Delegates could, in the presence of an Israeli officer, also see prisoners held for interrogation, to check their state of health, whilst a few detainees held incommunicado could not be visited. This procedure referred only to prisons; police stations and military camps remained closed to the delegates.

From April to September 1969, visits were carried out, generally conforming to this procedure. However, in the autumn 1969, the Israeli authorities informed the ICRC that the number of prisoners had so increased that they were obliged to change the visiting arrangements: from that time on the delegates would not be able to see any detainee held incommunicado, that is to say deprived of any contact with the outside, even if his "isolation" was not necessarily solitary confinement but shared with other prisoners in the same category.

The ICRC rejoined that such a procedure was unacceptable and it endeavoured to find a solution consistent with the letter and the spirit of the Fourth Geneva Convention. Even though its delegates thought that there had been some improvement in interrogation conditions, the ICRC considered that the visiting procedure laid down by the Israeli authorities no longer permitted it to ensure that interrogation methods at variance with humanitarian law did not occur.

On 19 April 1970, the Israeli Government authorized the delegates to carry out their visits subject to the following conditions: each prison would continue to be visited about once a month; no detainee would remain in a detention centre without being seen by

the delegates on their second visit after the arrest of the prisoner, unless, in exceptional circumstances and for imperious security reasons, he was denied such a visit, in which case his name would be communicated to the delegation.

5. *Prison Overcrowding.*—In 1968 the number of prisoners rose from 1,500 to 2,000. It rose to 3,000 in 1969. At present the Israeli authorities are holding about 3,500 people in detention.

In spite of the opening of new prisons in 1969, a serious overcrowding problem arose in that year and grew progressively worse. It has today reached such proportions that it bids fair to jeopardize the improvements effected by the Israeli penitentiary department and those brought about by the ICRC since it started visiting the prisons, particularly in matters of accommodation, hygiene, the separation of administrative detainees, leisure, work and the essential improvement in family visits to the prisoners.

The ICRC delegation took the matter up at ministerial level in the hope of an early solution. It made a number of practical proposals designed to ease detention conditions pending a definitive solution to the problem.

During these negotiations, the ICRC delegates recognized the Prison Service's efforts to cope with the increasingly difficult situation. However, praiseworthy as the spirit of most of the officials concerned was, it was in itself insufficient to make the detention conditions of protected persons acceptable and consistent with the Fourth Convention. The ICRC delegation insisted that only radical measures involving considerable expenditure would solve the many problems arising from the overcrowding of the prisons.

In the course of a mission in Israel in April 1970, the ICRC Delegate-General for the Middle East emphasized the primary importance of the matter. The ministerial officials assured him that the Israeli Government was endeavouring to solve the problem and would exert further effort in view of the urgency so often stressed by the ICRC.

6. *Comforts for Prisoners.*—Since the ICRC started visiting prisons in Israel and the occupied territories its delegation has contributed, as far as it was able, to the alleviation of the prisoners'

plight by distributing comforts among them. It has supplied over a thousand books in Arabic and dozens of textbooks for studies.

From July 1969 to May 1970, with the approval of the occupation authorities, the delegation organized and financed more than a hundred free bus trips for some 6,000 relatives of internees, as a number of needy families live far from the prison in which a relative is held and cannot afford the fare. Thanks to the ICRC such families may meet their detained relatives each month.

During the monthly visits, families may bring their members in detention fruit, biscuits and cigarettes. However, detainees whose families live beyond a cease-fire line do not receive such gifts, as they are not visited by their families. The ICRC was therefore authorized to distribute parcels of fruit, biscuits and cigarettes to all prisoners who could not be visited by their families, or who had not been visited by them for three months, whatever the reason. From September 1969 to 31 May 1970, the ICRC distributed some 5,000 such individual parcels, and 250 sets of underclothing in the course of ten series of monthly visits.

Transport by bus for family visits and the monthly distribution of parcels to prisoners at present involves the ICRC in expenditure amounting to 10,000 Swiss francs a month.

c) *Other Activities*

Apart from endeavouring to improve detention and interrogation conditions, prison visits involve the delegations in the occupied territories and the Arab countries in a considerable amount of work:

Mail: Prisoners often complain that they do not receive messages from their families in the Arab countries. Their complaints are forwarded by the ICRC delegations in these countries, who contact the families and inform them of the possibility available to them of communicating with their imprisoned kin on Red Cross message forms through the ICRC.

Social Welfare: A man's imprisonment often deprives a family of its sole bread-winner. When a prisoner informs a delegate that his family is in that situation, the delegate makes enquiries of the family and if he finds that the family is in dire straits he brings its plight to the attention of the Israeli Ministry of Social Welfare, which is responsible for providing needy population with essential requirements. The delegates see to it that their requests are followed up.

Family visits: Sometimes internees inform the ICRC that their families cannot afford to visit them. In such cases, the delegates, after checking up, include these families in the bus trip organized by the ICRC.

2. Israeli Civilians in Arab hands

ICRC delegates in the UAR, Jordan and the Lebanon have been able to visit most of the Israeli civilians detained in those countries. Between June 1967 and May 1970, twenty-five visits were paid to 33 interned Israeli civilians. ❧

In Syria, after repeated overtures, the ICRC delegates were able to visit on three occasions in the autumn of 1969 two Israeli civilians interned in Damascus. Contrary to the provisions of Article 143 of the Fourth Convention, no interview without witness could take place during the first visit. The two detainees were subsequently released in a neutral country.

An Israeli citizen captured and detained by a Palestine resistance organization was also visited three times in Jordan outside his place of detention. In addition, in May 1970, the ICRC delegate in the Lebanon visited an Israeli Arab national who had been captured and imprisoned in Beyrouth, and was soon afterwards repatriated.

XI. Tracing of Missing Civilians

1. In Occupied Territories

Immediately after the June 1967 conflict, large numbers of requests to trace missing civilians began to reach the ICRC delegation in Israel. They are still being received today.

In order to deal with them, the delegation endeavoured to induce the Israeli authorities to set up an official information bureau, as provided for in the Fourth Geneva Convention. Instead, the Government instituted the following two procedures:

On 25 June 1967 it entrusted the tracing of missing persons in the three occupied territories to the Magen David Adom relief society. As this solution proved to be inadequate, the delegates themselves made enquiries into the whereabouts of missing persons presumed to be in those territories.

On 5 November 1967 it started a new procedure: the Ministry of the Interior would supply the information and the delegation would deal with the Ministry through the Magen David Adom. This procedure also having failed to live up to expectations, it was abandoned at the end of 1967.

Since then the ICRC delegates themselves carry out enquiries to trace missing civilians in the occupied territories through the local mayors' offices, Red Crescent branches, leading community members and inhabitants.

2. Civilians presumed to be in detention

Concomitantly with enquiries among the population of the occupied territories, whenever these are inconclusive, delegates direct their efforts towards the prisons. Since the beginning of 1968, the Israeli Minister of Defence has been taking about a month to reply to the ICRC delegation's enquiries to find out whether a missing person is in one of the prisons in Israel or the occupied territories.

The ICRC delegation has several times tried to have the replies speeded up. When the persons sought are detained for interrogation, enquiries produce no reply before several weeks have elapsed.

It should be mentioned that the Israeli authorities do not spontaneously notify the ICRC delegation of the internment of civilians; they merely reply to enquiries about a specific person. The delegation has urged the detaining authorities to introduce the internment card system in accordance with Article 106 of the Fourth Convention.

As the Israeli authorities claimed this was impossible, the ICRC delegation took it upon itself to make out such a card for each detainee encountered during the prison visits. This is, however, no substitute for the internment card system, as the names of detainees held for interrogation are still not communicated to the ICRC and the ICRC has to find out for itself the names of persons released.

So far the ICRC delegation has compiled a card index of the names of some 1,800 prisoners, whose detention it is aware of from the prison visits or from Ministry of Defence confirmation or from the Red Cross message forms sent by prisoners to their families outside the occupied territories.

3. *Dead Arab Infiltrators*

On 5 May 1968, Mr. P. Gaillard, Assistant Director of the ICRC, contacted the Israeli Ministry of Defence concerning the identification and notification of the names of armed or unarmed Arab infiltrators killed in action against the Israeli army. This was followed up by three further contacts in 1968 and 1969, but to no effect. The occupation authorities stated that an identification service existed but that for security reasons the names of infiltrators would not be notified.

Consequently, as far as it is able, the ICRC delegation, during its prison visits, questions surviving infiltrators about their dead comrades in order to find out their names and to inform the families.

4. *Tracing of Palestinian Civilians in the UAR*

Palestinian families sometimes ask the ICRC delegations for news of relatives who left home during hostilities or immediately after the occupation. The requests are conveyed to the ICRC delegation in Cairo which undertakes enquiries in co-operation with the UAR Red Crescent. Of the 137 persons sought 110 have been traced.

XII. Jewish Communities in the Arab Countries

Even before the outbreak of hostilities, the situation of foreign, stateless or national Jews in some Arab countries gave cause for anxiety. The ICRC told the governments concerned when war broke out that the provisions of the Fourth Geneva Convention should, at least by analogy, apply to those persons, in view of the fact that measures affecting them were taken as a direct result of the conflict between Israel and the Arab States.

In countries where emergency measures affecting Jews were taken, the ICRC requested permission for its delegates to visit and assist those who had been interned. Thereupon, the ICRC delegate in Libya visited persons assigned to residence in camps and gave assistance to Jews authorized to leave the country. In Syria the ICRC delegation was in more or less constant touch with the three

main Jewish communities at Damascus, Aleppo and Kamichlieh, each consisting of Syrian nationals. On the other hand, the United Arab Republic did not permit the ICRC delegates to visit interned stateless Jews. However, those detainees were authorized to correspond with their families and to receive from them clothing and money. The ICRC was also able to send them medicaments. During the months following the conflict, and in 1969, the UAR released little by little several dozen stateless Jews. Some were entrusted to the care of the ICRC delegates before they left for abroad. In Iraq the ICRC was unable to visit the Jewish communities, although it applied to the authorities for permission in the summer of 1967.

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Part III

STATISTICS

JUNE 1967-31 MAY 1970

Tracing of missing military personnel

<i>Enquirer</i>	<i>Number of enquiries</i>	<i>Number of replies</i>	<i>Persons traced *</i>	<i>Unknown, missing or dead</i>	<i>No replies</i>
Central Tracing Agency .	479	463	12	451	16
ICRC delegation in:					
— UAR	1,584	1,542	73	1,469	42
— Jordan	781	767	15	752	14
— Syria	1,017	908	74	834	109
— Lebanon	12	12	—	12	—
— Israel	43	34	6	29	9
Total enquiries.	3,916	3,726	180	3,547	190

Living at liberty or in internment in occupied territory.

INTERNATIONAL COMMITTEE

Family reunions

	<i>Number of cases</i>	<i>In occupied territories number of persons</i>	<i>Outside occupied territories number of persons</i>
UAR	2,492	3,085	2,682
Syria	176	542	—
Jordan	1,009	1,009	—
Lebanon	18	18	—
Totals	3,695	4,654	2,682

NOTE: The figures do not include persons travelling from Jordan to rejoin their families after 21 January 1968. From that date onwards, the ICRC did not intervene directly in these operations. Attention is drawn to the fact that in 1967 ICRC delegates took part in a repatriation programme towards the West Bank of the Jordan in which more than 14,000 persons were involved.

Exchanges of family messages

<i>From</i>	<i>To occupied territories</i>	<i>From occupied territories</i>	<i>Destination</i>
UAR	299,122	436,269	UAR
Syria	20,156	36,078	Syria
Jordan	164,345	277,618	Jordan
Other Arab countries . .	10,197	90,350	Other Arab countries
Totals	493,820	840,315	
Total of all messages exchanged 1,334,135			

INTERNATIONAL COMMITTEE

Tracing of missing civilians

<i>Enquirer</i>	<i>Number of enquiries</i>	<i>Number of replies</i>	<i>Persons traced *</i>	<i>Unknown, missing or dead</i>	<i>No reply</i>
Central Tracing Agency .	877	872	729	143	5
ICRC delegation in: — UAR	6,189	5,926	4,408	1,518	263
— Jordan	855	843	187	656	12
— Syria	1,013	698	325	373	315
— Lebanon	17	15	12	3	2
— Israel	321	221	110	111	100
Total enquiries	9,272	8,575	5,771	2,804	697

* Living at liberty or in internment in occupied territory.

POW Welfare pursuant to the Third Geneva Convention

	<i>Number of visits</i>	<i>Number of POWs visited</i>	<i>Releases and repatriations</i>
A) Arab POWs in Israel.	41	7,658	5,638
B) Israeli POWs in Arab countries . . .	37	23	19
Total for all countries. .	78	7,681	5,657

NOTE: The figures include only visits in respect of which formal reports were sent to the POW's own government and the Detaining Power.