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HUMAN RIGHTS VIOLATIONS IN THE WEST BANK

IN THEIR OWN WORDS

AFFIDAVITS COLLECTED BY LAW IN THE SERVICE OF MAN

Commission of the Churches on International Affairs
World Council of Churches
1983

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DIRECTOR'S INTRODUCTION

During 1982 international attention was directed towards Lebanon. There was the bloody invasion and occupation of the southern part of that country by Israel. Conditions were laid down by the Israelis for withdrawal, and diplomatic efforts moved at a slow pace. As 1983 begins the immediate concern in the Middle East is still Lebanon. The crisis continues amid growing indications that Israel intends to stay there.

For more than fifteen years the Israelis have been flying in the face of international law and public opinion by occupying and settling the West Bank (of the Jordan River). It is becoming increasingly clear that Israel is capable of the same defiance in its occupation of the North Bank (of the Litani River in South Lebanon).

Among other organizations, the churches have taken an active interest in events in Lebanon. An issue of *CCIA Background Information* (1982/2) provided information and analyses of the situation created by the June 1982 invasion. The Central Committee of the World Council of Churches, meeting in Geneva in July 1982, adopted a statement on Lebanon which condemned the Israeli invasion and reiterated the rejection of military force in resolving political conflicts. That statement affirmed the Council's conviction that the recovery of Lebanese territorial integrity was crucial to peace and justice in the region, and that this necessitated the withdrawal of foreign armies. Churches and church-related institutions have also joined the effort to assist the victims of Israel's invasion and occupation.

There have been peace proposals by the United States of America (the Reagan plan) and the Arab summit (the Fez plan). On 30 January 1983, US Secretary of State Shultz said there had been no breakthroughs with regard to the Reagan plan and that the US had no formula to propose besides perseverance (*The International Herald Tribune*, 31 January 1983). The Fez plan has also met with difficulties. The Israelis are not interested in any peace plan. The negotiations on withdrawal from Lebanon are used to avoid consideration of even the Reagan plan.

As the situation remains critical in Lebanon, it could well be asked why the present issue of *CCIA Background Information* shifts the focus from the North Bank to the West Bank. From the disaster resulting from invasion, to the human rights violations resulting from occupation — ably documented here by the Ramallah-based organization Law in the Service of Man (LSM).

The first response to the question would be that *any* plan to resolve the Middle East turmoil, and therefore the Lebanon crisis, must come to grips with the situation in the West Bank. This is now generally acknowledged. The Reagan plan, for instance, half-

heartedly concedes the right of Palestinians for self-determination in the West Bank without accepting the logical consequence of that: an independent Palestinian State there.

But even the limited objective of self-determination will be impossible to attain if Israeli schemes to settle the West Bank are realized. At present the main test of US President Reagan's credibility in the Middle East is his ability to stop the settlements. Mere protests don't seem to be enough. "For fifteen years... US Presidents have protested settlement. For fifteen years, Israel has ignored the protest. For fifteen years the United States has done nothing about it." (*The Washington Post*). This much is clear: if nothing is done, and if present Israeli projects are carried out by 1987 there will be a Jewish population of 100,000 in the West Bank. This number would constitute an additional weight against political compromise.

To those who have not been in the West Bank recently, the term "Israeli settlement" might evoke an image of idyllic rural households of people painfully cultivating vegetables in the arid soil of ancient Judea and Samaria. But those who have actually seen the settlements know them to be massive stone projects of apartments and free-standing villas that overlook Arab villages like fortresses. As such they represent the formidable combination of the geopolitical notions of Israeli Defence Minister Sharon and the biblical notions of Prime Minister Begin. "Mr. Begin will go on bribing the electorate, his critics say, until his West Bank ambition, underwritten by US tax payers, is achieved." (*The New York Times*).

Looking at the alabaster structures, which are not self-supporting villages but rather suburbs of major population centres inside Israel, one thinks of the bulldozers that cleared the way for them. Standard practice in the "reconstruction and rebuilding" of Palestine has been the wholesale destruction of what was there before. Between 1967, when the Israeli occupation of the West Bank and Gaza began, and 1971, 16,212 Palestinian houses were demolished there (*The London Sunday Times*, 19 June 1977). And this is only the most visible human rights violation in a litany that includes harassment, vigilante activities by village leagues and settlers, and unlawful arrest.

The affidavits collected by LSM show that side of the "reconstruction and rebuilding" of Palestine.

A second reason for this issue's interest in the West Bank is the realization that it, along with Gaza and now the North Bank, falls into a broader policy-mix of territorial ambitions, economic motives, religious considerations and confessional concepts about state. The documentation offered by LSM on Israeli treatment of the estimated one million Palestinians in the West Bank indicates what may lie in store for the North Bank. In fact there are already human rights complaints by North Bank Palestinians vis-à-vis the Israeli occupation army.

Some will argue that the West Bank has an entirely different position to the North Bank in Israeli strategy. The West Bank is a long-range operation, whereas the North Bank incursion has had limited objectives: the elimination of Palestinian "guerilla bases" and the establishment of a twenty-five to forty mile security area on Israel's northern border. The argument is lent some credence by the words of the Israeli leadership: Begin has reiterated his intentions to hold on to the West Bank (*The International Herald Tribune*, 18 December 1982); his negotiators, however, have agreed with Lebanon to discuss troop pullout (*Ibid*, 14 January 1983). Such negotiations also give the time to the Israelis for further consolidation and settlement in the West Bank.

A case can be made that even without Palestinian presence in South Lebanon, Israel would have shown its "interest" in the region. In point of fact, Israeli leaders of most political stripes had previously *expressed* an "interest" in Lebanon. Some had spoken about a "Christian State" in the South and some had argued that the South should be integrated with Israel. Indeed, Israelis had already stressed the need for a security zone along their northern frontier, not the twenty-five to forty mile wide one now being negotiated, but one extending perhaps all the way to the Beqaa in North Lebanon, where the Syrian army is. Before being elected president of Lebanon in 1982, the late Bechir Gemayel had this to say : "If the Syrian regime considers the Beqaa as a Syrian security zone, then Israel will be prompted to consider it in turn as an Israeli security zone. The Beqaa is at once on the frontiers of Israel and Syria. We must not forget that the Litani river which flows in South Lebanon, rises in the Beqaa and crosses it" (Speech to the Kataab Party, 29 November 1981).

As to the Israeli intention to withdraw from the North Bank, that's hard to believe of a nation spending so much there. New transport facilities and sign boards in Hebrew are to be found. There are also new communications systems, aggressive trade promotion and clear attempts for economic domination. Already the Israelis control trade in agricultural produce and banking. And Israeli military presence in the North Bank is actually *increasing* : patrols in Sidon have been intensified, private militias have been reinforced and suspicious moves to start village and local leagues have been made.

A member of the Israeli parliament, Professor Yural Ne'em, put it this way : "A long stay in Lebanon will achieve peace in Galilee... in the interim Israel will have an opportunity of reaching a stage of socio-economic or technological development in the nearby region which, geographically and historically, is an integral part of Eretz Yisrael" (*The Jerusalem Post*, 24 June 1982). Meanwhile the focus on Lebanon will divert attention from what is happening in the West Bank.

That is why this documentation is extremely significant at this time. LSM's preface and introductions to the affidavits insert the reader into the political and cultural context of the West Bank, where ambitions of the occupiers are imposed upon the traditions of the occupied. While questions of a geopolitical sort are asked, more basic ones are too : What's it like for farmers to lose their land; what's it like for heads of households to move their families into tents or chicken coops? Then the affidavits themselves let be heard a voice that is almost never heard : the voice of people who are brutalized by Israeli settlers and Arab village leagues, who watch their homes being demolished, their universities closed and their leaders restricted under town arrest. They range in spirit from Sabri Gharib's determination — "I am convinced that this land is my land and my father's land and my grandfather's land" — to Sa'deah Al Bakri's despair — "Wouldn't it be better to be dead than to live under these circumstances?"

The bulldozers in the West Bank have cleared the way for the Israeli citadels — destroying Palestinian homes and offering a symbol of oppression. The bulldozers are now on the newly occupied territory in the North Bank. The bulldozers in the West Bank and in the North Bank are of the same make. And they have to be stopped.

Geneva
March 1983

Ninan Koshy
Director

LAW IN THE SERVICE OF MAN

Founded in the 1970s in the West Bank city of Ramallah, Law in the Service of Man (LSM) promotes the rule of law in Israeli occupied territories. A group of directors and, since 1982, a small administrative staff, carry out activities in the areas of documentation, information and analysis. LSM responds to questions about the legal situation in the West Bank.

LSM also cooperates with human rights organizations and other groups abroad, in Israel and in the West Bank. It promotes the awareness of principles pertaining to rule by law through lectures, seminars, publications and posters.

As a West Bank affiliate of the International Commission of Jurists, Geneva, LSM published the study by Raja Shehadeh and Jonathan Kuttab, *The West Bank and the Rule of Law*, Geneva, 1980. A second edition of that study is forthcoming.

Other LSM projects have included: compiling West Bank laws as amended by over 1,000 orders of the Israeli military; examining particular issues such as the use of identity cards and the right to residence in the West Bank; assembling data on arrests and house demolitions; and collecting depositions on human rights violations.

This issue of *CCIA Background Information* offers a selection from LSM's collection of depositions: on the relationship between Jewish settlers in the West Bank and the neighbouring Palestinian communities; on incidents involving members of village leagues; on the demolition or sealing of houses; on the harassment of universities and students; and on town arrests. Introductions prepared by LSM on those various violations are also provided.

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A PREFACE BY LAW IN THE SERVICE OF MAN (LSM)

In line with its objectives of protecting human rights and monitoring their infringement, LSM has collected affidavits from people whose rights have been violated. Some of those affidavits are published here.

They fall into five categories : 1) relations between Jewish settlers in the West Bank and Palestinians in the neighbouring communities; 2) incidents involving members of the village leagues; 3) demolition and sealing of houses; 4) harassment of universities and students; 5) town arrests. Each category is introduced by legal and factual material intended to facilitate the reading of the affidavits.

They were collected by trained field workers employed by LSM, who took great care to assure accuracy and precision. In each instance, information was taken down as dictated by the affiant. Questions were asked on points of which he or she might have been unsure. The rule against hearsay was followed, as well as other rules relating to evidence that are observed in judicial inquiries. Finally, the written version was read to the affiant who was asked to sign it. Only those affidavits that were signed are presented here. In a number of cases, after the affidavit was prepared and approved the person who had given it refused to sign for fear of further harassment.

The affiant was also asked whether his or her name could be used in this publication. Those whose affidavits are published in the section on the village leagues, and two of the affiants in the section on universities and students, withheld permission because of the possibility of retaliation. Their wishes have been respected.

The affidavits testify to grave violations of human rights by different groups : some Israeli and some Arab; some civilian and some military. The justification offered by the various groups is similarly varied. The introductions to the five sections list the legal or political excuses that are offered.

The local and foreign media have reported these categories of violations. But this is the first time that the victims' own accounts have been made available.

Events described in the affidavits occur at irregular frequency since the decision to increase or to suspend a certain practice changes along with the policy of those in control of the West Bank. The demolition of houses came under severe attack following those that took place in Beit Sahur — some of which are described in affidavits here. Israeli groups, especially Peace Now activists, sometimes helped to rebuild the destroyed houses. The demolition was supended, but only for a short while. Towards the end of 1982 it was resumed.

What the affidavits record are events that are very tragic and disturbing. The relationship between Jewish settlers and the indigenous population, to which they witness, is not one of coexistence. The activities of the village leagues are especially disturbing. And unless there is a reversal in policy, it appears likely that these groups will develop into armed militias causing havoc and further lawlessness.

LSM hopes this publication will provide focus for those interested in preventing the repetition of events described here and in putting an end to dangerous trends to which allusion is made — especially for Israelis and friends of Israel abroad. By emphasizing the human element, it provides the opportunity for a meeting of minds between people of differing political persuasions in a common concern for justice, dignity and respect for human rights.

All but one of the depositions were taken in Arabic. The organization wishes to thank Ali Jaradat, the field worker who collected many of them. The original signed copies of the affidavits are kept at the office of LSM. The organization also wishes to thank the late Sina Mansour Hutchinson and the Reverend George Kuttab for translating them into English. Special thanks are also due Timothy Hillier (LLB, University of London) for preparing the introduction to each section, and Rosheen Eilan for her valuable editorial advice.

I. SETTLERS

In November 1982 there were 103 settlements in the West Bank, which had a total population of about 25,000 (*The Jerusalem Post*). To this figure could be added the 80,000 settlers who live in the area surrounding East Jerusalem. The policy of settlement is still continuing at a pace with the object of creating facts that will be impossible to ignore or change after the completion of any future peace agreement. On 6 November 1982 the Ministerial Committee on Settlements announced plans to add 57 more settlements in the West Bank, increasing the total settler population there to about 100,000 by 1987. Ariel Sharon, the present Defence Minister and man responsible for planning many of the newer settlements, has stated: "We are going to leave an entirely different map of the country that will be impossible to ignore. I don't see any way any future government will be able to dismantle the settlements of Judea and Samaria (West Bank)." The Israeli Prime Minister, Menachem Begin, reaffirmed on the occasion of Indepence Day 1980 that: "There is no way of conceiving peace without the absolute freedom of settlement of our people... Settlement in the occupied areas is the soul of Zionism."

The Israeli policy of settlement flies in the face of world opinion and international law. UN General Assembly Resolution 32/5, 28 October 1977, declared that the settlements "have no legal validity and constitute a serious obstruction of efforts aimed at securing a just and lasting peace in the Middle East." Israel was once again called upon "to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem." The resolution was adopted by 131 votes to 1 with 7 abstentions. Among those abstaining was the USA. But the US State Department declared on 18 August 1977 that the Israeli settlements were illegal and an obstacle to peace.

Article 43 of The Hague Convention No. IV, 1907, which deals with occupation, says "nothing must be done by the occupant which would permanently change the nature of the occupied territory." Article 49 of the Fourth Geneva Convention relative to the protection of civilian persons in the time of war, states: "The occupying power shall not deport or transfer part of its own civilian population into the territory it occupies." The prohibition on settlement would appear to be unequivocal. Nevertheless Israeli authorities put forward two separate and almost conflicting arguments for the legality of their settlements.

In the *Rule of Law in the Areas Administered by Israel* [1] the Israeli section of the International Commission of Jurists argues that article 49 refers to state actions by which the government in control transfers parts of its population to the territory concerned. "This cannot be construed to cover the voluntary movement of individuals as is the case with

Israeli settlers who live in these settlements, not as a result of state transfer but of their own volition and as an expression of their own personal choice." Moshe Aumann in *Jewish Life in Judea and Samaria* argues that: "the inhabitants of the Jewish Villages (sic) are not transferred rather their move to these areas is entirely voluntary and based on a feeling of profound attachment to the land." It is somewhat disingenuous of Israelis to try and argue that settlement does not form part of government policy. In an interview with *Newsweek* (30 May 1977) Prime Minister Begin replied to the question "Will you encourage settlements on the West Bank?" with the answer "Of course. We'll tell the young people, come and settle the land." Interviewed on Israeli television on 2 September 1977 Ariel Sharon said: "Settlement in the State of Israel is carried out with the Government's approval and according to its plans, timetable and priorities. Movements in the State of Israel determine neither the location for a settlement nor the priority of settlement. I am talking not only of the area beyond the Green Line, but also of the area within the previous boundaries of the State of Israel." A policy statement approved by the Knesset on 5 August 1981 included the following: "The Government will act to strengthen, expand and develop settlement."

The other argument put forward by Israeli authorities is that settlements form part of the overall security and defence policy of the Israeli state. They argue that international law allows for settlement in cases of military necessity. However, several Israeli military authorities have argued that the settlements would not prove of much assistance to the Israeli Defence Force (IDF) in case of war and might even prove to be a hindrance. The Israeli army could be tied up evacuating or protecting the settlements and their civilian population instead of dealing with the war against an enemy army. Under the District Defence Regulations 1973, reserve soldiers from the settlements are supposed to serve in the area in which they live. It is felt that the settlers can be of assistance to the security forces in preventing disturbances by the local Arab population. Mattityahu Peled, General (Res) IDF responded to this proposition: "Experience shows that in circumstances of disturbances of public order arising from the behaviour of the local Arab residents there is nothing that can make matters worse than the intervention of Jewish settlers who live in the area."

Early this year it was proposed that the Defence Minister transfer from the police to the military police all investigations of illegal use of arms by Israeli civilians in the West Bank and Gaza Strip, thus preventing the civilian courts from dealing with such cases. The Israeli newspaper *Ha'aretz* commented: "What is involved is a tendency to encourage such private acts of punishment and revenge and to remove these acts from the provenance of Israeli law."

Leaving aside for a moment the legal arguments and questions of the validity of the settlements, Israelis argue that the settlers live separately from the Palestinians, that there is little contact between the settlers and the local residents, and that the policy of settlement poses no threat to the Palestinians. Menachem Begin replied to US criticism of settlement in a speech to the Knesset (27 July 1977): "I must say the following: First, Jewish settlement does not harm the Arabs in Eretz Yisrael." Moshe Aumann wrote: "The Israeli villages should not be regarded as a threat to the Arab population. On the contrary they will ultimately contribute to the cause of coexistence between the Jews and Arabs in the area."[2] The evidence rebuts these hopes. The affidavits in this section show the wide range of incidents involving harassment or even killing by settlers. Few settlers have been brought to justice. The incidents related here are representative of numerous other, almost daily, occurrences.

1 *The Rule of Law in the Areas Administered by Israel* (Tel Aviv : Israel National Section of the International Commission of Jurists, 1981), p. 69.

2 Moshe Aumann, *Jewish Life in Judea and Samaria*.

I. a) SABRI GHARIB

This affidavit is given by a farmer from Beit Ijza village in the district of Ramallah whose land adjoins an Israeli settlement. He describes the attempts made by the settlers to expand the settlement at the expense of his land. The legal processes initiated by the farmer to retain his land are also outlined. The harassment that followed his defiance, both from the settlers and the military authorities, is recounted.

My land, which is situated on the eastern side of Beit Ijza, and on the western side of the Israeli Hadasha settlement, is my basic source of livelihood. My family (my wife, our ten children, my sister and myself) depend on this land (which is 112 dunams [1] in area) for our existence. This source of livelihood is now being threatened by the Hadasha settlement (which was established at the end of 1979), whose inhabitants think they can expand their settlement on my family's account. Expansion has two effects on us. Firstly, in the case of expropriation by the military authorities, it keeps us from our land; secondly, it prevents me from working normally on my land. This is because I am harassed by all the summonses I get to the military headquarters in Ramallah, and I am harassed by the soldiers and settlers who are trying to prevent me from working on my land.

After the establishment of the settlement at the end of 1979, on land belonging to our village and to the village of Biddo, the settlers put up a fence separating their settlement from our village. As my land lies right next to the settlement on the western side, I was the victim of the settlers plans for the expansion of their settlement. At the beginning of 1980, I noticed that the fence was two dunams inside my land, so I went to the Military Governor in Ramallah to protest. I met the Military Governor at that time, Shmoleck, and got a written order from him allowing me to work on my land next to the settlement (I still have this written order). So I went ahead and worked on my land, but I was surprised one day when my wife, my son Mahmoud and I were working on our land. Thirteen settlers came towards us and ordered us off our land. When I refused one of them (called Boz) threatened me with his gun. I still didn't give way and told him that this was my land. Finally the head of the settlement, a woman called Raheel, told them to leave us which they did. This incident alarmed me, so I went to see two Israeli lawyers, Itmer Cohen and Yousef Arnon, to consult them about what had happened. The latter took up my case and advised me to initiate an action against the settlers.

Several days later, I received a letter from the Military Governor of Ramallah, in which he asked to buy four dunams of my land which lay next to the settlement and which he informed me was to be used for building a reservoir for the settlement. I took the letter and went to see my lawyer, Yousef Arnon, who obtained an order from the High Court delaying the confiscation of my land until the Military Governor could prove that the land is needed for public benefit. A few days later, a group of land surveyors came and surveyed the land, and the day after they brought bulldozers and proceeded to start

building a road, part of which went through my land. Again I went to my lawyer, who advised me to present a formal protest to the Objections Committee.[2] The Military Government was alleging that a group of Jewish settlers had bought land in our area in 1921. The map of the area, dating from the days of the Turkish rule, showed that the limits of my land were two dunams behind the fence put up by the settlers. The argument of the Military Government now changed. They alleged that the land they were trying to expropriate (25 dunams of my land) had not been used or planted, so that it was therefore Government property. There were several further sessions of the Objections Committee regarding this matter. At the end of 1980, my lawyer, a legal adviser, and two other lawyers came to see me and told me that it had been decided that the piece of land in question (25 dunams of my land) was not to be used either by me or by the settlers, while the case was still under the scrutiny of the Objections Committee and until it was resolved. I accepted and abided by the decision and went on working on the rest of my land, which I planted with barley. Things were quiet until June 1981, when I brought a bulldozer to do some work on my land. A group of border police arrived and ordered me to stop work with the bulldozer. They took me to the Military Governor in Ramallah, where I was questioned about working on my land. I was kept at the Military Governor's headquarters overnight and until my lawyer, whom my wife had contacted, arrived and obtained my release at noon the following day. Immediately afterwards I continued working on my land, this time with my wife helping me. Again the border police came and took me to the Military Governor in Ramallah. I was left out in the cold until 11.00 p.m. I asked them to take me inside, as it was very cold that night, but instead they ordered me to go back to my village, having confiscated my identity card. They told me to report to them again the next day.

On the following day, I reported to the Military Governor. I was surprised when I was asked to bring a permit from the Building and Organization Committee allowing me to work on my land. I did not do as they asked because one gets a permit from the Building and Organization Committee to build and not for working on one's land. The next day I went on working on my land with the bulldozer. The border police came and arrested me for the third time. This time I was kept in prison for 24 hours until my lawyer came, after my wife had contacted him and told him what had happened. Again I was released and advised by my lawyer not to listen to the border police unless the Military Governor or a person called Eli was with them. The lawyer also told me that he had taken a temporary order on my behalf stating that I was not to be harassed or arrested without formal charges. I continued working until the Israeli called Eli came and asked me why I was working on my land. I replied that I was not working on the 25 dunams, which was still the subject of a court case, but on the rest of my land. He then asked me and my son Mohammad, who was helping me, to accompany him to the military headquarters in Ramallah. At this point I asked my son to take the tools we had been using back to the house (which was 150 metres away). As he did so, Eli started shooting at him with his pistol. My son promptly came back and Eli took us to the military headquarters, threatening me on the way. We stayed at the headquarters until 4.30 p.m. when I was imprisonned, and my son was taken halfway home and left to walk the rest. After being interrogated by the police, I was told that I was going to be kept in prison for 28 days. My wife once more got in touch with my lawyer who tried to obtain my release, but was unsuccessful. He asked for bail, and nine days later I was released. Eli had raised a case against me saying that I did not obey his orders. A few days later I got an order from Eli telling me that I had no right to be living in my house (which I had built four years previously) as the land on which it stands is Jewish property. I ignored the order as the land on which my house was built is clearly mine. But Eli kept coming daily for about ten

days, harassing me and threatening to demolish my house. Finally he brought me a written warning of the demolition of my house. I immediately informed my lawyer, who obtained an order preventing demolition.

The lawyer then discovered that my house did not entirely comply with the building licence, so he put in a request to have the original building licence amended. The request is still pending.

Later on some soldiers came with the Director of Absentee Property, [3] who told me verbally that 45 dunams of my land, next to the 25 dunams in question, had not been tilled or used since 1967 and were therefore government property. I was appalled at this, since I had been tilling and planting this piece of land every year. Eli then came and chased me off my land. I went to my lawyer and told him what had happened, and that the 45 dunams had been surveyed by these people and an aerial picture of it had been taken. The lawyer advised me not to accept the picture of my land or sign it and when Eli and some soldiers came to me for that reason. I took the picture but refused to sign it. I gave the picture to the lawyer and he then put in a request to the High Court to allow me to work on my land, excluding the 25 dunams. The court gave me permission. Eli came to me with a legal adviser and told me that I could work on the 45 dunams pending the final verdict of the High Court. This was on 27 September 1981.

I started to plant my land with grape vines, but was surprised when three soldiers and three others came. One of them ordered me off my land, saying that it belonged to his father. When I refused to leave, he kicked me and two others started beating my son Mahmoud, who was helping me that day. I was trying to defend my son when one of them started shooting in the air. We were adamant and stayed on our land until one of the settlers asked the six offenders to leave us, which they finally did. My children later found two of the bullets. After this incident I went to see my lawyer and during my absence an Israeli came to my house claiming to be the assistant of the Military Governor and took two of my children to the Ramallah military headquarters. They were held there for a while, before being allowed home. Meanwhile, on the advice of my lawyer, I had obtained two medical reports, one stating that I had suffered concussion, the other stating that my son's spinal cord had been injured. I took the reports to the police who informed me that the settlers were bringing a case against me for fighting them. "But", I said, "they were seven and I was one, and they were the ones who came to me."

On 2 November 1981, as my son was tilling the 45 dunams, an Israeli officer, by the name of Yousef, came to him and hit him in the face. My son ran away, but the officer chased him. At this point I came out of the house, and the officer ordered me to go with him to the military headquarters in Ramallah, which I did. I stayed there until twelve noon when the officer returned and, after confiscating my identity card and telling me that I must return the next day at 8.00 a.m., sent me home. The next day I reported as required, but had to wait until noon before the officer appeared and gave me back my identity card and apologized for not knowing that there was already a case between me and the Military Government regarding my land. I told him that there were several cases, but, of course, how is an officer like him to know about such cases. He does not own land that the settlers are trying to grab: land is not his main source of livelihood as it is for me and my family.

We consider all that has happened to us as destined. I am convinced that this land is my land and my father's land and my grandfather's land. No matter what, I shall continue to defend my rights to my land in spite of the harassments I've faced. I shall await the verdicts of the pending cases, hoping justice will prevail and that I shall be able to continue working on my land without harassment and live a normal life again. This is what has happened to me up until now, 5 January 1982.

Signed : Sabri Gharib

1 *Dunam* : 1,000 square metres.

2 *Objections Committee* : Created under Military Order 172 (22 November 1967), the Committee is composed of reserve army officers. It has jurisdiction over objections made to decisions on matters listed in the Order's appendix, e.g. decisions to expropriate land, and those of the Custodian of Absentee Property to the effect that a property belongs to an "absentee". The members of the Committee are appointed by the Area Commander. Few of the members have had any formal legal training. The Objection Committee is empowered to recommend that the Area Commander cancel or amend any objectionable decision. If it makes no such recommendation or if the Area Commander rejects their recommendation, the previous decision remains in force. There is no appeal against the decisions of the Committee.

3 *Director of Absentee Property* : The Director or Custodian of Absentee Property is appointed in accordance with Military Order 58. An 'absentee' is defined as a person who left the area of the West Bank before, on, or after 7 June 1967. The Custodian holds the property in trust for the absentee until his or her return. No transaction in land, including the property of non-absentees, can commence before obtaining the consent of the Custodian or Director of Absentee Property.

I. b) SA'DEAH AL BAKRI

The following account is given by a 45 year-old woman from Hebron who lives with her family near the urban settlement of Kiryat Arba. It describes the attempts made by the settlers over several years to force the family to sell their land and leave their house. The different ways in which they were harassed, including two bomb attacks, are described.

It was our misfortune, and that of other people in our area, that the settlement of Kiryat Arba was established on our land. Fourteen dunams of our land was expropriated when Kiryat Arba was first established (east of Hebron). Things didn't stop there, we started being harassed more than others because our house which was built before the 1967 occupation, was situated about ten metres from the barbed wire fence which surrounded the settlement. The settlers tried hard to tempt my husband to sell them the rest of our land (about three dunams) which was next to the settlement. When my husband absolutely refused, the harassment and terrorism started. In 1972 a hand grenade was thrown at our house at about 1.00 a.m. destroying part of our house frontage. My husband was arrested by the military and held for eight months without trial or charge. In 1980 while two of my sons, Nasir, 15, and Eid, 13, were on there way home from a nearby shop, they were chased by some settlers. I was startled by my sons' cries of terror and when I came to the door the settlers turned and went back to their settlement.

In 1981, the settlers attacked our land which we had refused to sell, and brought bulldozers and started working on it. When my seven children and I tried to stop them they beat us and cursed us but we managed to stop them temporarily and they finally left. But I fear they will return and try to take the land again.

In February 1982, at 2.00 a.m., two bombs were thrown at our house. Luckily one hit part of the house that we don't use as it hasn't been furnished yet. The other bomb caused damage to another room. The door was completely destroyed together with some car equipment that my husband used, as he was a driver prior to his death. The next day a military investigation team came and we showed them the damage and told them what had happened, but all they did was gather up the pieces of shrapnel of the bombs that were on the ground and chase away the reporters who were at our house at the time. On 24 February 1982, at about 3.00 a.m., another bomb was thrown at our house by the settlers. It hit the wall of the room we were in and damaged it.

Other harassment has been the fighting of the settlers children with my children; the breaking of our windows in 1981 and the constant stealing of fruit and vegetables from our land. At this point we don't know who to turn to, as our future is in jeopardy, especially since my husband's death in 1977, as he was the one who dealt with these problems. A life like ours with all the harassment and ill-treatment we receive from the settlers is devoid of human rights. Wouldn't it be better to be dead rather than to live under those circumstances?

Signed: Sa'deah Al Bakri

I. c) ISAM MOHAMMAD

This affidavit is given by a 15 year-old student from the Bireh district. It tells how the affiant was abducted by settlers. In this case the boy was walking with a friend in the streets of Ramallah when the settlers stopped him. The affiant tells of the treatment he received from them.

On Wednesday, 31 March 1982, at about 3.30 p.m., I was walking with my friend, Samir Elju'aba, who is 17 years old, near the Military Government building in Ramallah, when a small Volkswagon car stopped in front of us and the passengers ordered us to halt. We had heard about Jewish settlers kidnapping people. The car had yellow Israeli licence plates [1] and we thought it might belong to settlers, so my friend started to run, but he returned when one of the occupants of the car tried to shoot at him. The people in the car go out and pushed us into the car and drove us to the Military Governor's headquarters in Ramallah. Once there we were made to sit in the corridor until a man came, wearing civilian dress like the rest of the settlers, and started swearing. Then a soldier led us to some nearby tents. When I tried to speak to my friend the soldier beat us both. Later he took us to a place near the garbage bin and some of the soldiers started throwing stones at us. We stayed in the headquarters for about two hours until the two people who had brought us in came and pushed us into the same car and took us to the army camp near the village of Bettin in the district of Ramallah. They took us out of the car and threatened to kill us. They placed revolvers at our heads, warning us that our ends had come. We stayed there while they beat us and cursed us for about an hour and a half. Finally they released us, and we returned to our homes in Bireh, reaching home at about 7.00 p.m.

Signed: Isam Mohammad

1 Since the occupation, cars registered in the West Bank (excluding East Jerusalem) have been issued blue plates which have a Hebrew letter indicating which town the car is from. The letter and blue plates distinguish those cars from ones registered in Israel and East Jerusalem, which all carry yellow plates.

I. d) MOHAMMAD ABDALLAH YOUSEF SAHWEEL

This affidavit comes from the village of Abween in the Ramallah district. It is by the mother of a student who was returning home from school, and who was pursued by settlers. The boy's body was found several days later after the mother had been told that her son was in prison. This is the mother's testimony.

On Monday, 15 March 1982, my son, Mohammad, aged 17, left home on his way to school at Sinjel. We later learnt that on the same day a demonstration took place in Sinjel. After the students had returned home to the village, we were informed that a student had been wounded and that another student (Ayman Khalil Khaseeb) from Aroura, which is next to Abween, had disappeared. My own son did not return as usual to the house.

The next day, 16 March 1982, I went to the police station in Ramallah to inquire about my son. I spoke to an officer, called Dabbas, who told me that my son was amongst those arrested and was now in prison. On the next day, 17 March 1982, Ayman Khaseeb was released and I asked him if he had seen my son, Mohammad, in prison or not. He answered me in the negative. I was deeply disturbed and returned to the police station in Ramallah on Thursday, 18 March 1982, taking with me some winter clothes for my son. The policeman told me that the clothes would be delivered to him and I was somewhat relieved. I was shocked on Saturday when my brother brought me the news from the inhabitants of Sinjel that one of the shepherds had come across my son's body by chance on one of the hills near Sinjel, about 150 metres from the Ramallah-Nablus road. The General Prosecutor, a doctor and a border police jeep arrived at the place where the body was found. After examining the body, they moved it to Abween and we buried it. After the burial, a large group of soldiers came to the village, a curfew was imposed on the whole village, and the soldiers forced some men to dig up the body. When they at first refused, the soldiers started beating them. Finally they took the body to Abu Kabir Hospital.[1] The body was returned to the village four days later at 1.30 a.m. Another curfew was imposed and the electricity was cut off. The soldiers took a number of relatives and the body was re-buried.

Signed by the mother of Mohammad Abdallah Yousef Sahweel

1 *Abu Kabir Hospital*: The main hospital used for post-mortem examinations.

I. e) SA'ID AID ZAYTUN

In the following, the affiant describes how a group of settlers, accompanied by Israeli soldiers, demolished a house which he owned. The reason for the demolition was the desire of the settlers to rebuild a Jewish quarter in the centre of the West Bank town of Hebron. His complaint to the military authorities went unheeded.

On Thursday afternoon at about four thirty a group of settlers from Kiryat Arba accompanied by a group of soldiers came to the vegetable market known previously as the Kazazin quarter. I was told of their arrival by one of the local inhabitants. Immediately I went to that area because my brothers and I own a house there. When I got

there I asked the settlers what they wanted. I said I wanted to meet their leader. They said that they had no leader. So I asked them what they were doing near my house. One of them had made a hole in one of the walls of my house about 50 cm by 50 cm in size. They answered that a stone had fallen from the wall. The matter ended with this that day.

On Friday at ten thirty, a group of settlers accompanied by a number of soldiers transported by lorries and with bulldozers came to the Kazazin quarter. When they arrived I asked the soldiers the reason for their coming and why they were intending to demolish my house. They said it was none of my business. "You can raise a complaint but we will not allow you to ask us any questions. There is the government to whom you can resort-go and ask them." This annoyed me and my emotions were aroused as I saw the bulldozers digging away at my house. I tried to enter it but a group of soldiers held me and prevented me from entering.

After that I decided to go to the headquarters of the Military Government. When I arrived there I did not find the Military Governor but I found his deputy, Barouch. I told him that the settlers had demolished my house and asked him to go and see with his own eyes. He asked me to wait in the waiting room and he would send me with the Liaison Officer to look into the matter. At eleven thirty I went with the Liaison Officer, who is called Saaid, to the area of demolition and he saw with his own eyes what the settlers had done to my house. The house is made up of three floors-a room on the third floor, two rooms on the second floor and the basement room had all been destroyed. He also saw the demolition of my neighbour's house, belonging to the Sharabti family and the family of Abu Mardieh. Nearby houses belonging to the Badr family had also been damaged.

After the Liaison Officer had seen what the settlers had done, I asked him what was to be done now. He said "God will make it easy" and left.

On the next day, Saturday, I went to the municipality and we discussed the matter and decided to take the matter to court. We are still awaiting legal proceedings.

Signed : Sa'id Aid Zaytun

I. f) HAYTHAM MOHAMMAD MUHAISEN

The events related in this affidavit from the town of Halhool show the close relationship between the settlers and the military. The events described are also an example of the common practice of punishing the whole community for offences committed by a few.

At 10.00 a.m. on Thursday, 15 April 1982, a large number of soldiers came into the city. With them were some of the inhabitants of the settlement of Kiryat Arba, which lies to the north of the city of Hebron. When they reached the point known to us as Elthuwa they began attacking houses and smashing windows. They were not satisfied with this but returned at midnight. One of the officers came to the Mu'athin of the town (the Muslim/Sheikh who issues the call to prayer) and asked him to summon all the people to the mosque from the minaret loudspeakers. Any male between the ages of 15 and 65 who was still at home at 4.30 a.m. would face serious punishment. During this time army patrols drove around the town attacking houses and breaking windows. Many men came to the mosque yard and others were brought there in army cars and were beaten up. On

arriving at the mosque the men found soldiers lined up to welcome them with sticks and fists. A large number of army vehicles arrived and trucks from the town were asked for. The soldiers divided the young men from the older ones. Then the order was given for all the men to get into the trucks, with the older men on different trucks from the young men. The soldiers began beating the young men, which distressed the older men, who began shouting against the beatings and started getting down from the trucks. But the soldiers stopped this by ordering the trucks to start moving. The trucks with the young men (those up to thirty years old) started going towards the Israeli settlement Kiryat Arba, while the other trucks drove towards the Governor's headquarters in Hebron. The young men informed us when they returned from the settlement that they had all received beatings and were humiliated and cursed by the settlers. Those above thirty years, under threat of weapons, were asked to repeat bad curses and humiliating phrases. They remained at the military headquarters until about 10.00 a.m. when the Governor of Hebron arrived. He issued threats and warnings and said that he would not be responsible for any action taken by the settlers from Kiryat Arba. The settlers are armed, he told us, and if one stone is thrown at any Israeli car, they have permission to use their guns. He claimed that it was he who had stopped the settlers from coming into the town on previous occasions. At this point, Dr. Adnan Mdiah, the town's dentist, was permitted to speak and he said that this was not true as previous events in the town showed. In 1979 settlers from Kiryat Arba had smashed the windows of 40 cars and destroyed their tyres. Before Dr. Mdiah had finished, the Governor became so angry that he swore at him and kicked him. By this time, the women of the town had walked to the Governor's headquarters in spite of the curfew that had been imposed.

At about mid-day, the Israeli authorities released all of the men of the town, with the exception of nineteen detained on suspicion of having participated in demonstrations that occurred in the area.

The town itself lived a very stange and fearful night. Shooting and the explosions of gas bombs continued throughout the night so all the town lived in terror and fear.

Signed : Haytham Mohammad Muhaisen

II. VILLAGE LEAGUES

The concepts and ideas behind the setting up of the Federation of Village Leagues [1] are not new to the West Bank; nor, indeed, are they unique to the West Bank. During the period of the British Mandate there were attempts to set up groups of the local population to assist with the maintenance of public order. And in Algeria during the 1950s the French encouraged something similar as an alternative to the national liberation movement. The idea of establishing or using village leagues occurred to previous Israeli Ministers of Defence Peres, Weizman, and Begin. Following Camp David and the signing of the Egyptian-Israeli peace treaty in 1977, the Military Government of the West Bank began to concentrate more on the establishment of village leagues.

Israeli official sources describe the leagues as designed to provide a "moderate" Palestinian leadership which would be prepared to negotiate with Israel on the subject of autonomy for the West Bank. The village league for the Hebron district was established in 1979, headed by former Jordanian Cabinet Minister, Mustafa Dudeen. In 1981, two more leagues were established in the Ramallah and Bethlehem districts. To advance their leardership potential, the Military Government gave the leagues a facilitator role. Instead of applying directly to the Military Government, people requiring the necessary permits and orders in the West Bank would have to apply through the village leagues. Projects that could not get the obligatory approval of the Military Government through the elected municipalities would be successful if they had the blessing of the village leagues.

The leagues are paid and armed by the Military Government. An article in the Israeli newspaper *Ha'aretz* (19 March 1982) concentrated on the Bethlehem village league: "Here in Bethlehem they [members of the village leagues] are paid 5,000 IS a month. They carry licences issued by the Israeli military authorities permitting them to carry arms [Uzi sub-machine guns] and 50 bullets." The area of immediate concern to the population of the West Bank is the use of the village leagues to fulfil some of the security and control functions that would otherwise, under the existing situation of military occupation, be undertaken by the Israeli Defence Force. The village leagues often man road-blocks, carry out checks on identity cards, and break up meetings and demonstrations.

The legal basis for the leagues is to be found in the Military Order 752 enacted by the Military Government on 3 March 1978. It was the fourth amendment made by the military authorities to the Jordanian Law on the Administration of Villages (1954). Military Order 752 empowers the Area Commander to "licence the establishment of associations for the purpose of increasing cooperation and relations between the village councils in the area." The Area Commander must be convinced that the establishment of such associations will not affect public order and security in the area. The same order

allows the associations to have a legal personality. This is a major departure from the Jordanian law which allowed only the following legal bodies : charities, companies, and cooperatives. In those three cases it is clear where responsibility lies: for example, the responsibility for and to a company lies with the shareholders. In the cae of the village leagues the order creating them has given them a legal personality. But without elections they cannot be responsible to the villages they supposedly represent. Ultimate responsibility for them must lie with the Military Government, which created them and which is responsible for passing regulations regarding their organization and constitution.

Military Order 378 (an order concerning security regulations passed on 20 April 1970), governs the carrying of arms. It states : "No person may carry arms or ammunition... without permission issued by the Area Commander, or whoever stands in his stead. No person may carry arms or ammunition... in a manner which contravenes the conditions of that permission." Again, therefore, responsibility for the carrying and use of arms by members of the village leagues ultimately lies with the Israeli Military Government.

The majority of Palestinians see the leagues as collaborators or quislings and as an armed militia which is a potential threat to public safety. Many Israelis are now also becoming concerned about the activity of the village leagues. Shlomo Gazit, former chief of Israeli Intelligence, has stated that the setting up of the village leagues established a network of quislings to serve the purposes of the Government and was not in the interests of Israeli security. Membership figures for the leagues are not available and it is difficult to ascertain their true size and the strength of their support. On 12 November 1982, they held a rally in the West Bank city of Hebron which was attended by, "at least 2,000 supporters" (*The Jerusalem Post*, 14 November 1982). The rally was addressed by the former Civilian Administrator of the West Bank, Menachem Milson, who devoted a large amount of his time in office to developing the leagues. More is known about the quality of their leadership. In an article written about the leagues earlier this year, Amnon Kapeliuk wrote : "The leaders of the associations are not known as the most honest people. Gamil El Hatib [head of the Ramallah village league] was recently sentenced by the Ramallah court to three months in prison for deceiving his clients in his furniture shop" (*Al Hamishmar*, 12 February 1982).

At the rally in November, Mohammad Nasser, head of the Hebron league, listed its aims as the following : "to improve services as part of the principle of steadfastness, to prevent emigration, to improve relations with Israel, to prevent terrorism, to combat communism and to work for the establishment of peace and democracy" (*The Jerusalem Post*, 14 November 1982). The methods in which they carry out these supposed aims make it difficult to document evidence about their activities. The village leagues are armed and appear to have little hesitation in using force. As a result people are reluctant to come forward to report events. The affidavits in this section testify to actions and incidents involving members of the village leagues. They are illustrative of many similar incidents. All of those who gave affidavits reproduced in this section have asked that their names be withheld for fear of reprisals. LSM has respected their wishes.

1 The Federation of Village Leagues, the Village Associations, Unions of Villages, and even Palestinian Leagues are different names for the same phenomenon. The term "village league" is generally used here.

II. a) THE ATTACK ON THE ORTHODOX CLUB

The affiant, a teacher in a secondary school in Beit Sahur, testifies to an attack carried out on the Orthodox Club in Beit Sahur by armed members of the village leagues. The events that followed the attack are described, including the investigations carried out by the police and army.

As of the date on which the affidavit was signed, there had still been no action taken against the attackers.

On Wednesday 7 April 1982, at about 4.45 p.m., while I was sitting in the office of the Orthodox Club in Beit Sahur, preparing for the regular weekly meeting of the Board, of which I am Chairman, I suddenly heard a noise in the next room and a knocking at the main door of the club. I went to investigate and called out loudly, "Who is there". Suddenly three persons appeared, wearing civilian clothes, two of them carried weapons, which I think were Uzis. The third was carrying a heavy rod. Immediately one of those who carried a gun shouted in Arabic, "Get out", and cursed me. I asked, "Why should I go out... What is going on?" He picked up a small table and hit me with it. I fended it off with my arms, but he managed to hit my back. He ordered me to go out and started to curse me. There were files and the minutes of previous meetings on the table, as well as other papers and he began to hit the table with the end of his gun. The other two approached and the man who was carrying the rod started banging on the table and ordered me to go out. When I left by the main gate I saw a white jeep parked in front of the door to the club. In the jeep was another person. I do not know if he was carrying arms or not. As I was walking out one of the men hit me with a rod on my back. During this time they left the office and went to the hall where there was a girls' weekly meeting. The number of the girls gathered was between 12 and 15. I wish to mention that only girls and the Board members come to the club on Wednesdays. As soon as the armed men entered the hall they began breaking the tables and beating the girls who were present. There were no apparent serious injuries, just bruises. They also beat the Club Secretary who was in the hall at the time. They hit him with a stick and with the butts of their guns. They also broke the tea cups and coffee cups. They broke the notice board, the glass of the buffet, the window of the room next to the office, and the glass in the main door. This action took about ten minutes. After it they went to the main street and started firing shots in the air, beating up those pedestrians who happened to be passing. Then they went to a coffee house which is about 30 metres from the club. I don't know what took place in the coffee house.

I went with a group of ten people to the Mayor's office in the Beit Sahur municipality building, which is about 100 metres from the club. I explained all about what had happened in detail. On the basis of what I told him, the Mayor contacted the Military Governor and the police station. The police promised to come. After fifteen minutes a police car arrived at the municipal building. In the car was a driver and two policemen. We went with the Mayor and the police to the club. After an hour a jeep arrived with two army officers and a number of soldiers. I repeated the story to the officers, who came to the club office. The officers asked the Mayor to dismiss the assembled group, which he did. They then promised to go to the village league headquarters in Beit Sahur to see what had taken place. I then gave a complete report to the police which included the names of those beaten and a list of the property damaged. The police promised to punish the attackers.

On Thursday, 8 April 1982, at about 9.00 a.m., I went to the police station with the Club Secretary and the owner of the coffee house. We had been officially summoned to give a report to one of the military officers. He wrote down the reports in Hebrew and told us that he wished to carry out an identification parade. He brought a man with a black beard and asked me if he was one of the attackers. I answered "No", as just one of the attackers had a beard, which was fair. Then we went home for dinner. In the afternoon at about 1.30 p.m. the police requested my presence at the police station. I went in the municipality car, accompanied by two of the men who had been beaten on the previous day — an employee at the club cafeteria and someone who had been passing in the street. These two witnesses gave full statements to the police. As we were at the police station, Bishara Comsieh, head of the village league in Bethlehem, arrived at the police station with two men — one named Samir, his son, and one named Casim. I noted that these two men had been amongst those that attacked the club and broke the furniture. As we were sitting in the police station Bishara Comsieh came over to me and said : "If you young men had come to see me we would have settled the matter and satisfied you." I refused to speak to him and told the police that I had given them my report and that they now had two of the attackers. The military officer came over to me and said that we could not now carry out the identification parade, because I now knew who the attackers are. Then he said that when the date is set for the trial he would send for us. I am still waiting.

Signed : (name withheld from publication)

II. b) SHOOTINGS

In the following affidavit, the deponent tells of how she was interrupted while at work in her field by the arrival of armed members of the village league. She describes the events that followed their arrival, which involved beatings and shootings leaving one person with gunshot wounds and one dead. The action of the army that followed the shootings is also recounted.

On Saturday, 9 June 1982, at about eight o'clock in the morning, I left home with my daughter, who is thirty years old, and married to one of the residents of our village. We went to our field, which lies about 225 metres from my house, and no more than 25 metres from the home of X. Upon arriving at the field, we began working, but were interrupted a quarter of an hour later when we were attacked by three strangers whom I had never met before. They wore civilian clothing, spoke Arabic and carried weapons, whose make I don't know. They stepped down from a white jeep and proceeded to shoot in the air, while four other men remained in the jeep which was parked near the house of X, which is about 250 metres from the main street in the village. Consequently, and because of the shooting, my daughter and I began screaming and calling for help, but one of the armed men grabbed my daughter's hair and began dragging her along the ground. Another of the armed men did the same to me. They were joined by a fourth armed man from the jeep and they proceeded to beat us with sticks. Our pleas for mercy were to no avail — "In God's name. For God's sake. May God protect us." But the armed men insisted on continuing to beat us, then they dragged us to where the jeep was standing, next the house of X. Suddenly, I noticed my sons D and A and their cousins H and S attacking the armed men, who were still beating us with sticks and the butts of their rifles, with stones. I was

moved when the armed men shot at my sons and their cousins, particularly H, who was shot on the inside of his right foot, and I saw him limping hurriedly into the house of X. My son D followed him, but the presence of the armed men initially prevented D from following his cousin H inside. They started shooting at him and were joined by the three men who had remained in the jeep. Meanwhile my daughter and I tried to protect D by hiding him behind us and covering him with my body and hands. This caused one of the armed men to strike me on the hand with a stick, which broke my left hand, an injury from which I am still suffering. Then two of the armed men carried me into the car which stood about 10 metres from the house. I saw my daughter and heard her yelling at one of the children inside the house ordering him to open the door and enable D to enter the house after H. The child did open the door, D entered and closed the door behind him. When that happened, the armed men grabbed my daughter and dragged her and put her with me in the car. They then started to break the doors and windows of the house which H and D were inside, as well as shooting, but they were unable to get into the house. This forced them to go up to the roof. Two of them went up there and broke down the door to the stairwell. When these two succeeded in entering the house, they opened the door for the other armed men. I saw D leaving the house hurriedly and escaping to the back of the house, from the left side. I was alarmed when one of the armed men followed him, shooting at him, and they both disappeared from my view. Then the armed men standing beside the car shouted, "Don't kill him, Mohammad." Then I heard shouting and I did not know the reason, but the armed man who was standing next to the car asked the person he had called Mohammad whether the person hit was "one of us or one of them" (us being the armed men, and them being the villagers). Mohammad informed him it was one of "them". I sensed then the armed man being overcome with a palpable sense of fear. He started muttering beside the car and calling the rest of the armed men to flee. He ordered us to leave the jeep quickly and all seven got in and drove off in the direction of the road leading to..., which is 7 kilometres from the village. They also took with them H who had been hit in the foot and AL who is a sick young man. I rushed to the back of the house where the shouting had come from and found my son D lying on the ground with his arms outstretched and blood seeping from his mouth. I was shocked at this sight and began sucking his blood, thinking he was injured in the mouth, but when I placed my hand under his head to pull him towards me, my fingers sank into the back of his bloodied head. D continued to snort feebly and I stayed with him until my son A came with his cousin S. Together we carried D to the main street which was about 250 metres away and awaited a car to take D to hospital.

Half an hour later a Peugeot car owned by a blacksmith from..., who happened to be working in our village that day, came by. He stopped his car and helped us to carry D and sped away with my son A, 22 years old, and his cousins F, 21 years old, and S, 24 years old, and one of the villagers. As soon as we arrived at the hospital in..., the nurses took D directly to the first aid and operations room and I waited outside, but they allowed his brother to go in with him. Shortly afterwards, A returned to me. I asked him about D's condition and he told me that one of the doctors has ordered his transfer to the Hadassa Hospital in Jerusalem because of the seriousness of his condition. He was transferred by a Jordanian Red Crescent ambulance to the Hadassa Hospital. He was accompanied by his cousins F and S, while my son and I awaited them in... since the nurses prevented me from travelling with D in the ambulance. About an hour and a half later the ambulance returned and they told me that D needed blood. A and five other young men, two from our village and three from... went by taxi to the Hadassa Hospital to donate blood. When my son returned to the village at about 3.00 p.m. he told me that D had died before he and the other blood donors had arrived.

At about 3.30, ten military vehicles, packed with soldiers, and an Arab police car arrived at the village. They ordered a crowd of about 400 men, women and children, who had gathered to await the arrival of the body of the martyr, to move towards the centre of the village and to gather there without making any disturbances, otherwise they would take necessary measures to maintain the peace. These orders were spoken by policeman J. The crowd obeyed. The military vehicles and police cars continued to patrol the streets, while about ten soldiers surrounded the crowd. At about 8.00 p.m., eight soldiers and three Arab policemen, including policeman J, came with a list of 15 young men. J read out the names and found ten of them, including my son A, and ordered them to go into two vehicles (one a police car, the other an army vehicle). As my son later told me, they led them to the headquarters of the Military Governor in..., where they spent the night outside in the cold. The next day they were taken to Far'a prison in Nablus, where they stayed for twelve days. At about 10.00 p.m., the soldiers ordered those gathered to go home and informed them that they would be notified as soon as the body arrived. The villagers responded to the orders of the soldiers, but my relatives and I continued to demand the body of my son. It was finally returned on Wednesday 23 June 1982 at about 3.00 p.m. when about twelve military vehicles and a police van came to the village with the body. As soon as they arrived, they imposed a curfew on the village and started shooting in the air. They requested three of the relatives of the martyr to attend the funeral ceremony. They permitted my brothers and I to see him before the burial. The villagers insisted on being present at the burial ceremony and were permitted to do so by the soldiers provided they kept quiet.

Signed : (name withheld from publication)

II. c) PROVOCATIONS

The following affidavit describes the relationship between the village league and the affiant's village. The affiant tells of attempts by members of the league to take land belonging to the villagers and the provocation and harassment that surrounded these attempts. Since January 1982, the affiant has been unable to return to his village because of threats made on his life by members of the village league.

The affiant has requested that a section of his affidavit not be published to preserve annonymity. LSM has respected the affiant's wishes.

The establishment of the league of... villages had a clear effect on the nature of our life which since then has become full of fear, horror and provocation. We are a family living in the village of..., west of the city of..., where the league had its birth. We have been subjected to various forms of provocation and oppression by the league, but our family was not the only one to have its share of these practices. Many families from various villages have been affected by the leagues and their practices, but in varying degrees.

The beginnings of the bad relations between our family and the league was on 7 April 1981, when we discovered the transaction concerning a plot of land of an area of 650 dunams, which belongs to five families in the village. We learnt of this transaction from a notice published in the Anba newspaper on 7 April 1981, which said, "that the said land is owned by..., the head of the... village league, and that whoever claims otherwise must contact the Land Registration Department within fifteen days." In light of this notice my

father, the owners of the land and I went to the Land Registration Department and to court where we started a case against the head of the... village league through a lawyer (whose name he mentions). The... Court of First Instance ordered that the land be returned to its legal owners and that.. does not own an inch of the land.

Before and during the court case, the family of... and his supporters in the league began taking provocative actions against the owners of the land, whose names I have mentioned. They justified their behaviour by claiming that instituting a case against... means resisting the league and standing in its way. The members of the league began cursing the owners of the land and throwing stones at them and threatening them with murder. The campaign of provocation was intensified after the death of the head of the league. The members of the league began to shoot at the house, break the windows of the house of..., and began to shoot into our house. The damage done by the bullets is still visible in our house. This activity was also combined with a campaign of threats against my sick father, who they told to leave his shop where he works and which is the source of the family's income. The reason they gave for this was that they wanted to turn this shop into a mosque bearing the name of..., despite the fact that our village already had a mosque. My father at first refused to be evicted, but under threats he was forced to do so and hand the shop over to the league. I have also been personally subjected to provocations.

Ten months ago I went to the village along with five young men, amongst whom was the head of the Society for Public Services in the village, who is of German extraction. This was at about nine in the morning. We were going to pay my sick father a visit. As soon as we got to the house, five armed men from the village accompanied by ten women, also from the village, surrounded the house. They began cursing us and treated us as hostages. They called to me and said : "We want the identity cards of the young men who are with you. You are forbidden to leave the house until we have considered your case." I answered them that I have the right to leave the house whenever I wished and that I do not take orders from them. At this point I was surprised to see someone raise his gun and point it at me. But one of his companions prevented him from shooting. The armed men and the women who were with them began throwing stones at me until the house was full of stones. My father was hit by a stone in his abdomen, my grandmother was hit by a stone in the foot and I was hit on my shoulder. After that one of the armed men forced his way into the house and requested the identity cards of my friends. At first they all refused to give them to him and insisted that the armed man present them with some authorization for what he was doing. He immediately refused this and began ridiculing them and threatening to kill them. So they were forced to give him their identity cards and he began registering their names, addresses and identity card numbers. While this was going on he noticed a camera with my German friend. He took it, removed the film and gave the camera back. Then he left and joined the others outside, who were still surrounding the house. We remained like that for an hour, surrounded by the armed men. Then they allowed my friends and me to leave and to go to..., but on condition that we did not stop in the village to wait for a car to take us to... So we had to walk a distance of more than 5 kilometres until we were far from the village. There we waited for a car to take us to the city of...

Since that date, January 1982, and until this day I have been unable to go to... because this would endanger my life. I had to live in a house in..., away from my family to avoid contact with the armed men. But living in... did not solve the problem of contact with them.

(The affiant has asked us not to publish the next two paragraphs of his affidavit. He has sworn to the truth of what they contain, but, for the safety of relatives and friends who he mentions, he has asked us to leave them out.)

This is only a brief picture of the situation of the league in our village and what we have to endure in the way of provocations, threats and daily harassments.

Signed: (name withheld from publication)

II. d) BETHLEHEM UNIVERSITY

Given by a university guard and a student, the following affidavits describe an attack that was launched on the university by armed members of a village league. The attack left two people needing hospital treatment, one of them requiring surgery.

1. Guard's Account

On 7 April 1982, at about four in the afternoon, I was opening the outside gate of Bethlehem University campus to enable the dean of students, Brother Albert, to drive out. It was then that I saw a gray jeep in which five armed Arabs were riding. The jeep was driving very slowly towards the university gate. I turned to look at the jeep and heard the armed men cursing me and using swear words. As I was looking at them I saw one of them leave the jeep carrying a machine gun and a club. He approached me and said: "Why are you cursing us?" I replied that I had not cursed, on the contrary, they had cursed me. Immediately I had said this he began to beat me up and the others joined in striking me with the butts of their guns and their clubs, while one of them remained standing by the jeep, keeping watch. Then Brother Albert came, and asked them, "Why are you hitting the guard?" One of the armed men immediately began beating him up with the butt of his gun, while two of them stayed with me. I heard one of them say to the group, "Let me shoot him." They said to him: "Shoot him and burn his religion as well." Then he said to me, "Before I shoot you I want to torture you." He held his Uzi gun upside down and began beating me with it on my head and on my genitals. Then he left me, to attack the university. During all this, one of the armed men had stopped Dr. Sansour, the vice-president of the university, by the wall. Dr. Sansour had said to the armed man: "How is it that you are beating Brother Albert when he is a man of religion." They answered him by beating him up and telling him it was none of his business.

At this point I could not make out what exactly was happening. What I mentioned above is what I could see and remember. I was in a very bad state indeed and eventually lost consciousness. I only woke up in hospital where my testicles were operated on. I stayed in hospital for a month and then returned home. I am still receiving treatment — I have returned to the hospital twice. I only left hospital the day before the date of this affidavit.

Signed: (name withheld from publication)

2. Student's Account

On 7 April 1982 at about four in the afternoon, I was sitting with three of my colleagues in the student council office, which is about ten metres opposite Bethlehem University's main gate. Most of the students had, by that time, finished their classes and there were only about fifty or sixty students and a small number of teachers and employees left on campus.

The dean of students was still around but he was about to drive his car out through the main gate. As my colleagues and I were working on the applications submitted by students to the student council for scholarships, we heard loud noises outside the office, so we all went to the door and stood, trying to find the reason for the confusion.

As I was standing there by the door of the student council office, I saw a gray jeep in which there were four armed men. They were carrying guns which I believe were the Israeli-make Uzis. They were also carrying clubs and were screaming "Open the gate" to the guard, who was about to close it to prevent them entering. He had opened the gate to allow the dean's car to leave. The armed men I saw spoke Arabic, their features were Arab and I knew two of them from the town of Beit Sahur. One of them was the son of the head of the Bethlehem village league and is called Samir Bishara Comsieh.

While all this noise was going on and while they were insisting on the gate being opened, I saw two of the armed men push the university guard to the side and begin to beat him with the butts of their guns and their clubs and he cried out in agony. This made the dean of students, Brother Albert, get out of his car and speak to them, but they began beating him up, cursing him and threatening him and all the students of the university, saying: "We will show these bastards who are against the leagues what the leagues are." I heard this said and then saw one of them aim his gun at the office of the student council, so I quickly closed the door and my colleagues and I stayed inside. We were convinced that these armed people intended to hurt the council, the students and the university in general. From the office window I saw the university guard lying on the ground in great pain and the dean of students holding his hand and crying in pain. Meanwhile one of the armed men was holding the university vice-president, Dr. Sansour, by the wall of the main entrance, pointing his weapon at him.

The armed people then left. They took to their cars, laughing, and drove off at great speed. We left the office and took the dean and the university guard in a car to the French hospital in Bethlehem, where first aid and the necessary check-up was carried out in the presence of the president and vice-president of the university. The doctors decided to operate on the guard's testicles. Along with others, I undressed the guard and put on the hospital gown. I then returned to the university. The dean left at the same time, but he was asked to return for further tests to make certain that he was alright. The university guard remained in hospital for a month. He then stayed at home suffering from further complications, which necessitated another visit to the hospital in November 1982 for a further operation. He left hospital on 24 November 1982.

Signed: (name withheld from publication)

III. HOUSE DEMOLITIONS AND SEALINGS

In the fifteen years of Israeli occupation of the West Bank a total of 1,265 houses have been demolished (statement by the Prime Minister's Office, *The Jerusalem Post*, 23 November 1981). In the twelve months prior to September 1982 ten houses were demolished and seven sealed by the Israeli security forces. The pretext for such action is generally the claim that a "security" offence has been committed by a single member of the household. The demolitions or sealings are usually carried out late at night. The surrounding area is put under curfew and the inhabitants of the house to be demolished or sealed are given about thirty minutes to collect their possessions and leave. Such actions are usually taken before formal charges have been brought or guilt has been established in a court of law. The speed of such action and the late hour at which it is carried out are usually effective in preventing the owner of the house from obtaining an interim court order to prevent or postpone the demolition. Following the demolition, permission to rebuild is very often withheld and the families concerned spend long periods living in tents or other inadequate housing. To legitimize such action the Israeli military authorities rely on the Defence (Emergency) Regulations enacted by the British in 1945. Article 119/10 of these regulations empowers a military commander "to order the forfeiture of any house or structure the inhabitants of which he is satisfied have committed, or attempted to commit, or abetted the commission of, or been the accessories after the fact to the commission of any offence against the Regulations involving violence or intimidation. After forfeiture the Military Commander may order the destruction of the house or structure." When they were enacted these regulations were met with strong opposition. Ya'acov Shimshon Shapiro, who was later to become Israeli Minister of Justice, described them as "unparalleled in any civilized country." "There were" he said "no such laws in Nazi Germany." Nevertheless, when the Israelis occupied the West Bank in 1967, the new Military Government re-activated the regulations. [1]

The practice of punishment without trial and punishment for acts not personally committed runs contrary to all principles of natural justice and is specifically prohibited by international law. Article 33 of the Fourth Geneva Convention (Protection of Civilian Persons in the Time of War) prohibits the occupying power from punishing persons for offences they have not personally committed. The same article also prohibits collective punishment. It has been argued by Israelis that Article 53 of the Fourth Geneva Convention allows an occupying power to destroy property in certain circumstances. [2] The article states : "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 cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations." By interpreting Article 53 as allowing the destruction of houses, the Israelis have turned an exclusionary provision in the Convention into a rule of conduct and policy.

The affidavits selected for this section serve as examples of the way and manner in which demolitions and sealings are carried out and also the type of alleged offences that have resulted in such punitive action. In none of the cases does it appear that the destruction was a matter of "absolute military necessity". It must be noted that the cases documented here are by no means unique. They are representative of the manner in which such actions are taken, the way in which they are perceived, and affect the victims of the practice.

1 Raja Shehadeh and Jonathan Kuttab, *The West Bank and the Rule of Law* (Geneva, International Commission of Jurists / Law in the Service of Man, 1980), p. 24.

2 *Op. cit.*, p. 69.

III. a) ABDEL WAHED MUSSA HMEED

The following affidavit by a fifty year-old shop-keeper from Bethlehem is the first of four about demolitions in the same area. In this one the affiant tells of the arrest of two of his sons on suspicion of having thrown petrol bombs. The two were later found guilty and sentenced to four years imprisonment. The night following their arrest, the house was blown up by the military. The family received no compensation for the demolition and was forced to live with the affiant's brother until the house was rebuilt in August 1982.

On 14 November 1981, at half past midnight, soldiers broke into our house. After searching and finding nothing, they inquired about my son, Abdel Nasser, who is a 14 year-old student. They took him to Al-Moskobiyya prison [1] in Jerusalem, and came back at two a.m. on the same night and took my other son, Basem, who is a 21 year-old construction worker. The next day they returned and, all of a sudden, read to me the demolition order. The pretext was that Abdel Nasser had thrown a petrol bomb at a military patrol. They asked us to empty the house within half an hour. We refused, but the soldiers began to throw out the furniture, which consequently destroyed some of it. The house was then blown up. The whole action took forty-five minutes. The total area of the two storeys was 144 sq. metres. Both storeys had nine rooms plus a kitchen and a bathroom, with a toilet on each level. Each floor had a verandah as well. I was totally shocked and am at a loss as to what to do with my large family (three wives and their children). In addition to my family I was giving shelter to a poor woman, who had a mentally retarded daughter.

Signed: Abdel Wahed Mussa Hmeed

1 *Al-Moskobiyya Prison*: Also called "the Russian Compound", this is a police station in Jerusalem and one of the main holding and interrogation centres for the West Bank.

III. b) ATTALLAH AWAD WARRAD

The events described here by the twenty-one year-old affiant occurred on the same nights as in the previous affidavit. The affiant's brother was arrested on suspicion of having thrown a petrol bomb. He was subsequently found guilty and sentenced to six years imprisonment. The house was blown up and neighbouring houses were damaged by the blast. An amount of money and

gold went missing in the same night. The family received no compensation and was warned by the Military Government not to publicize the loss of the gold. The family lived in a tent on the site of the demolished house until May 1982, by which time the house had been rebuilt.

On the night of 15 November 1981, a number of Israeli soldiers came to our house and began searching the house. The search was in vain as they did not find anything. They then took my brother, Atiyeh, who is a student and is 17 years old. We were surprised when the soldiers returned the next day at 7.30 p.m. and, without previously having announced their intention to destroy our house, ordered us to empty the house of its furniture. We were very surprised and did not obey the soldiers' orders. They began throwing the furniture outside. This resulted in a lot of it being broken. The soldiers then blew up the house using explosives. The soldiers not only destroyed the house, they also stole 1,500 Jordanian Dinars, $ 400, 15 pieces of gold and a bracelet. The neighbouring houses were also affected by the blast. The windows of the houses of Mohammad El Ajarmeb and Mohammad Awwad Taemeh and the kitchen of Mohammad Hainad Rizk were shaken and cracked. The wooden boards of the mason, who had just completed the third floor, were destroyed as we were unable to evacuate them as we did not have enough warning before the house was blown up.

Signed : Attallah Awad Warrad

III. c) MATTIA JABBER ABU AYTEH

Here the affiant, a forty year-old construction worker from Beit Sahur, details the arrest of his two sons on suspicion of having thrown petrol bombs. They were later found guilty and sentenced to periods of imprisonment. On the night following their arrest the house was blown up and a large amount of furniture was also destroyed. The family was given permission to rebuild their house in March 1982, although in October they were still living with friends.

On 14 November 1981, at 1.30 a.m., soldiers broke into our house. They searched the house and, finding nothing, they inquired about my son, Aymen, who is a 15 year-old student. They took him to Al-Moskobiyya prison in Jerusalem. They returned at 3.00 p.m. on the same day and took my other son, Amjad, a 16 year-old student. The next day, 15 November 1981, they returned and all of a sudden read to me a demolition order. The pretext was that Aymen and Amjad had thrown a molotov cocktail at a military patrol. We did not want to leave, but they forced us to leave and threw out some of our furniture which was consequently destroyed. The rest of the furniture remained inside the house. The whole action of notification, evacuation and demolition only took 30 minutes. The house was blown up in a second. Its area was 184 square metres. The first floor consisted of three rooms and a bathroom, a separate toilet and a kitchen. The second storey consisted of six rooms, a bathroom and a kitchen. Each floor had a verandah as well. The possessions and items of furniture that were left in the house and consequently destroyed included mother of pearl valued at 2,000 Jordanian Dinars; weaving machines and wool to be woven; all our kitchen utensils; food provisions — e.g. flour, oil, olives — for two years; space heaters; cabinets.

This night campaign prevented me applying to the High Court to stop the demolition. This action violates the most basic elements of human rights. The house is not my sons', it is ours and the whole family needs it badly to live in.

Signed : Mattia Jabber Abu Ayteh

III. d) GEORGE MICHAEL COMSIEH

The affiant is a fifty year-old labourer, residing in Beit Sahur. His son was accused of throwing stones at an army patrol and was arrested. The following night his house was demolished. Following this demolition and the three above, the Bethlehem municipality refused to participate in the Christmas celebrations. This refusal was withdrawn when the Military Governor issued permission to rebuild and promised to release the affiant's son. Building permission was granted, but the son was not released, and was ultimately tried and convicted of throwing petrol bombs and sentenced to three and a half years in prison. Following the demolition, the family lived in a tent. The publicity this caused led the Military Governor to object. Some weeks later an armed group set fire to the tent, and the family moved in with neighbours.

On 14 November 1981, at 2.00 a.m., a number of Israeli soldiers rushed into our house and began to search. They did not find anything. They then said that they wanted my son Waleed who is a 16 year-old school student. They took him with them to the police station in Jerusalem-the Russian Compound. The following night, we were surprised to see a large number of Israeli soldiers enter the house with an army officer. The officer told me to listen and began reading an order which stated that they wanted to demolish our house because our son, Waleed, had been accused of throwing stones at an Israeli patrol. We were given 30 minutes to evacuate our house. We were surprised and could not do much in half an hour as most of the family were still asleep. The soldiers began throwing some of the furniture out of the house causing a lot of it to break. The rest of the furniture remained in the house. The soldiers placed explosives and blew up the house. So, in a few minutes my house, which was 14 metres by 14 metres with two floors, and on each floor four nice rooms, a sitting room, a verandah, a bathroom and a kitchen, had been destroyed. This quick action did not give us the opportunity to ask for an injunction at the High Court of Justice. I believe this action is against any human law. This house does not belong to my son but is my property and now the whole family is in need of a home to live in.

Signed : George Michael Comsieh

III. e) ABDEL WAHHAB AISELAH

The next two affidavits detail events which followed the attempted stabbing of an Israeli settler. The first, by a forty year-old labourer from Hebron, tells how his house was blown up the day after his son's arrest. The affidavit also details the general harassment of the neighbours. The son is still in prison and is still awaiting trial. In return for dropping legal action against the demolition, the family was given permission to rebuild their house and they moved back in July 1982.

My son, Akram, is a 17 year-old student at secondary school. On 31 October 1981, he was arrested at his grandfather's house in the Rameh quarter of Hebron. No reasons were given for this arrest. The next day I appointed the lawyer Darweesh Nasser to take up my son's case. On 3 November 1981, at 1.30 a.m., we were astonished to watch as a large number of soldiers attacked our home and tried to enter the house by force. When I went and opened the door and asked them what they wanted, one of them answered roughly and with some cruelty that I must vacate the house of all furniture in 30 minutes as the house was to be demolished because, he claimed, my son, Akram, had participated in an

attempt to stab one of the Israeli settlers from Kiryat Arba. I refused to obey, but the soldiers began evacuating the house in a very fierce manner, which led to the destruction of some of the furniture : the oven, the fire stove, the wood which I use for work. They spilled the flour, broke the legs of a cupboard and destroyed the refrigerator. After evacuating the house, the soldiers placed dynamite and blew up the house. This is the reason why we must now live in a chicken coop. The harassment and injury that night was not limited to us, but was extended to our neighbours. On the same night, the soldiers who were in charge of patrolling the area broke into one of the cars which belonged to a neighbour and stole the recorder, which was installed in the car. They also knocked loudly and disturbed another family who were mourning a lost child that same night.

I am amazed that they could destroy a house on the mere accusation of a stabbing. My son may or may not be guilty. Even if he is guilty, this house does not belong to Akram, but is my property and there are ten people who need to live in it.

Signed : Abdel Wahhab Aiselah

III. f) MOUSSA HUSSEIN SHAWER EL TAMEEMY

This affidavit by Sadieh Duweik, the fifty-five year-old wife of Moussa Hussein Shawer El Tameemy, tells of a sealing rather than a demolition. The action followed the arrest of the affiant's son on suspicion of being involved in the attempted stabbing of the settler. The affiant gives reasons why she thinks the house was sealed rather than demolished. The son is still in prison awaiting trial. In January 1982, the family re-opened the house, after they had dropped their court case against the Military Government.

On 31 October 1981, my son Waël, who is 16 years old, left the house after returning from school. It was 1.00 p.m. when he left to meet the teacher who was giving him special lessons together with some other students. When he returned from his study, he brought with him his nephew, Akram Abdel Wahab. Being late in the day Waël insisted that Akram sleep with us that night and he did. We were surprised when a number of soldiers with an officer from the intelligence service arrived at about 2.00 a.m. The soldiers were ordered to search the house which they did but they found nothing that was illegal or harmful. After that they took my son, Waël and my daughter's son, without giving any reasons for the arrests. The next day we appointed the lawyer Darweesh Nasser to take up their defence.

At 1.00 a.m. on 3 November 1981, we were surprised when a large number of army personnel filled our quarter. By my estimation there were about 300 soldiers. Some of them came into our house without permission, woke us up and one soldier told us to evacuate our house in 30 minutes because they intended to seal up the house, because one of my sons was accused of attempting to stab one of the inhabitants of Kiryat Arba, which lies to the east of the city of Hebron. We refused to obey, but the soldiers began throwing out the furniture in such a way that they broke the legs of the cupboard and the wash-basin and the tiles; they broke the water taps and cut electric wires. After throwing out the furniture, the soldiers began building brick walls at all the entrances and windows and told us that the house was sealed and was never to be used. After this we were obliged to live with my son Yousef, who lived on the second floor of the house.

I believe that the reason that our house was sealed and not demolished was the fact that the second floor was not our property but belonged to our son, who is independent from us. I condemn the act of sealing on the grounds that my son was accused of taking part in the attempted stabbing, which has not yet been confirmed. Anyway the house does not belong to Waël but to his father, Moussa Hussein Shawer El Tameemy. Therefore we have initiated an appeal against the sealing of the house through the lawyer Darweesh Nasser, so that we may be able to return to our home and live there and not be a burden on our son Yousef and his family. He only has three rooms and has not the room for more than his own family of nine.

Signed: Sadieh Duweik

IV. UNIVERSITIES

The affidavits in this section are included as an example of Israelis' treatment of institutions in the West Bank rather than as an example of the treatment of individuals. The universities of the West Bank have been chosen because the principle of academic freedom is one of the basic human rights. To deny a society access to education not only affects the present situation but also deprives that society of a future educated leadership. And yet educational institutions in the West Bank have faced perhaps the greatest pressure from the military authorities.

Article 26/1 of the Universal Declaration of Human Rights asserts the right of everyone to education. On three separate occasions in the last twelve months, for example, this right has been denied to the students of Bir Zeit University. On 4 November 1981, the university was ordered to be closed indefinitely by the military authorities. The following day the Israeli Supreme Court ordered the Military Governor to set a time limit for the closure. On 11 November, Dr. Baramki, Vice-President of the University, was handed an order by the Military Governor stating that it was to remain closed for two months. The university re-opened on 4 January 1982 and stayed open until 15 February 1982 when it was again closed for two months. On 8 July it was closed again, this time for three months. Although it re-opened on 11 October for a new academic year, the threat of closure is always present. The other West Bank universities have also lost time due to closure by the military authorities.

In July 1980 the Israeli military authorities promulgated Military Order 854 which brought universities and colleges within the ambit of the Jordanian Law on Education and Culture that previously applied only to elementary and secondary schools. The order gives the authorities complete say over who may be a student, teacher or principal in the occupied territories and allows them to entertain non-academic "public order considerations" when deciding to issue teaching permits. The order also requires that the universities be licensed by the military authorities. The licences are granted for a period of one year and the universities must re-apply each year. Until now the authorities have chosen not to implement Order 854 although it remains on the statute books and could be enforced at any time. [1]

One of the arguments put forward by the military authorities is that academic institutions are at best a guise for political activity and at worst a guise for subversion. In December 1980, a group of Israeli professors at the Hebrew University in Jerusalem reported on the condition of universities in the occupied territories. They found, after careful investigation, that academic activity is conducted according to accepted norms and that the universities' administrations stive for the advancement and regular maintenance of this activity. The report also rebutted another argument that teaching in the universities perverts reality and has little regard for the truth.

Both staff and students face almost daily harassment. All teachers who do not have permanent resident status in the West Bank need work permits. The Israeli authorities have demanded that those applying for permits sign a statement not to aid in any way or to support the PLO or any other group hostile to the State of Israel. [2] Thus far teachers have refused to sign and over twenty academics have been forced to leave the country. In one of the affidavits included here a British academic explains the situation and states the reasons why he refused to sign.

As is apparent from the testimonies included here, harassment and intimidation result in an atmosphere of fear and mistrust which is clearly not conducive to learning or the spirit of inquiry. Given the fact of occupation, it is perhaps inevitable that there will be some restrictions on civil and political rights. Under international law these restrictions should be limited to measures that are necessitated by security considerations. From the evidence of these affidavits, the Israeli military authorities often seem to go far beyond what can reasonably be justified on grounds of security.

1 LSM has made available a thorough analysis of Military Order 854 and related orders concerning educational institutions in the occupied West Bank.

2 The statement which foreign teachers were originally asked to sign has been changed. The two versions are as follows:
Original declaration: Pursuant to my request for the issuance of a work permit for the academic year 1982-83 which was submitted on... and without affecting my general commitment as per the request referred to above, I hereby declare that I am fully committed against indulging in any act and offering any assistance to the organization called the PLO or any other hostile organization to the State of Israel as indicated in the Order Concerning the Prevention of Acts of Instigation and Adverse Propaganda (Amendment No. 1) Judea and Samaria 938 5742 - 1982.
The declaration as altered by the Military Government on 22 November 1982: During the time of the work permit the receiver of the permit will avoid any action which can damage or hurt security or public order, and abide by all judicial and security laws which prohibit any activities and services which help or support the PLO or any other hostile organization to the State of Israel as indicated in Military Order 938.

IV. a) MUSSA DARWEESH

The affiant is head of the public relations at Bethlehem University. He outlines the problems that have been faced by the university, including the strict censorship of books by the Military Government and the refusal of the Israeli authorities to allow the building of a multi-purpose building for university and local community use.

I took up my present post in the public relations department at Bethlehem University in April 1980. Before that I worked as director of education for UNRWA [1] I have become able, through my work, to give some idea of the restrictions and harassments which Bethlehem University is subjected to.

The problem of the library: The Bethlehem University library was established when the university was established. In 1978 the new building housing the library was completed. The university has grown; the number of students has increased from 70 to 1,200. With this growth it became necessary to have a library that can serve this growing number of students. When the new building was completed, the librarian prepared a list

of the new books which the library needed. However, the problem to be faced was how to get the books in. All books are censored, but there is more of a problem with books in Arabic which are brought in across the Allenby bridge [2] where the censor is more strict. As a result of these problems, the library now suffers from a shortage of many vital resources. Our students now need to go to the library at the Hebrew University in Jerusalem to carry on with their research. What we are asking for as a university is to be treated equally with the universities in Israel. There, the libraries are well stacked with all kinds of books, which is not the case with our library. The problem is bound to increase as the number of students increases and the library becomes in need of enlargement to meet the expanded needs.

The multi-purpose building: Fifteen months ago, the university submitted an application to the authorities for permission to build a multi-purpose building, which has become necessary for the university and the local community. The plan was for the building to include a large meeting hall for university activities and which would facilitate interaction between university and local community. The building was to include a cafeteria and a gymnasium. The expected cost was approximately two million dollars. The Dutch government was to have been among the main contributors to the project. According to the university's plans, the library was in stage two of development and this building was in stage three. Fifteen months after the application for building permission was submitted, Professor Menachem Milson, the head of the "Civilian Administration" at the time, informed the university that his administration was refusing to grant permision because the university was not cooperating with what had been imposed by the Military Order 854 concerning education. At the time of this affidavit the permit has still not been granted.

Guides for Christian pilgrims: Three years ago, the university administration submitted several requests to begin a programme with the institute of hotel management at the university for the training of pilgrims' guides. The Israeli authorities refused to allow such a programme. The university is still trying to obtain permission to begin this programme, in view of the significant relationship between such a programme and the purposes of the institute of hotel management.

Signed: Mussa Darweesh

1 *UNRWA*: United Nations Relief and Works Agency, which has responsibility for the welfare of Palestinian refugees.

2 *Allenby Bridge*: This is the main border crossing point between the West Bank and Jordan.

IV. b) STUDENT VOLUNTEER

Every year students from Bir Zeit University help local villages with the olive harvest. The work forms part of the community work programme which is a requirement for graduation set by the university. This affiant, whose name is not used, describes the harassment faced by the students when they went olive picking in autumn 1982.

On the evening of Saturday, 3 October 1982, I went along with a hundred and twenty other students from Bir Zeit University to the town of Salfit for the purpose of picking olives. This contribution to the villages by the university students has become an annual

tradition, which the committee for voluntary work at Bir Zeit University sponsors. The completion of a certain number of hours voluntary service is also now a requirement at the university for graduation.

On Sunday, 4 October 1982, having spent the evening with the villagers, we took off early in the morning to begin our work picking olives. We spent the day doing this, and at five in the afternoon we returned to the houses of our hosts, the villagers we were helping. At six that same evening the volunteers and a large number of the hosts were gathered at the Salfit municipality building. Our hosts entertained us to a party which ended at seven thirty when everyone went home. Meanwhile three Israeli army vehicles, in which there were approximately twelve soldiers, began roaming around the town.

On Monday, 5 October, at eight in the morning, we carried on our work in the fields, picking olives. Our work that day ended at five in the afternoon. During that period I saw a policeman on a motorcycle driving around and watching us. He took the identity card of one volunteer and I do not know whether he confiscated it or returned it to its owner. This same policeman also asked a number of the volunteers for their identity cards.

At seven in the evening on the same day we went down to the village intending to buy some food and some cigarettes. A border police jeep followed me and a group of students with whom I was walking and they asked for our identity cards. There were six of us, five from Bir Zeit and one of our hosts. After they had collected our identity cards, they asked us to go to the Salfit police station at ten that night. At ten o'clock, I went with three other students to the police station. The other two (of the five students) were girls and they did not come with us. When we arrived at the police station, the border police asked about the two girls and where they were staying. We told them that we did not know exactly where they were staying. All we knew is that they had worked with us picking olives. They then took me and the three other students who were with me in a police jeep and began driving around the town looking for the two girls. At a certain place in the middle of the town they stopped the jeep and asked us to tell them where the girls were staying. But we honestly did not know where they were staying. After that they took me out of the jeep and began beating me with clubs, and the butts of their guns, and kicking me with their boots. There were five soldiers beating me. As a result of their beating, I fell to the ground, one of them kicked me in the face with his boots and another in the stomach. My left eye became swollen as a result of this. I screamed but they increased their kicks, ordering me to shut up, and cursing me. They then carried me to another place and again they said that I must direct them to the place where the two girls were staying. They threatened to take me to the settlement, Ariel, so that the settlers there would hit me. I was silent and they continued their beating, provocation and curses. When it was getting to midnight, they carried me to another place and there they gave me four identity cards and asked me to go to the police station. When I arrived there I gave the identity cards to the policeman responsible and I found there the three other students. The policeman told me that he had orders from the Commander of the border police unit that we were to stand in the courtyard of the police station without speaking to each other, and we were not to be allowed anything to drink or to have anything to protect us from the cold. We were kept standing in the courtyard until six in the morning in the biting cold. At six, a policeman came to the police station. He telephoned the headquarters in Tulkarem and reported that he had four students who had been brought in by the border police and asked what he should do with us. He was told to give us identity cards and release us.

Upon my return home, after being released, I felt severe pain in my left eye which was completely closed. I could not see anything with it. I was taken to the Salfit clinic for treatment. My eye still hurts.

Signed : (name withheld from publication)

IV. c) NABLUS STUDENT

Following the closure of Bir Zeit University in the summer of 1982, the university arranged classes for the students in Jerusalem. The affiant from Nablus tells how she went to Jerusalem to attend these classes and found the military waiting. The students were rounded up and held for the day. They were told they would face serious consequences if they attempted to attend any further classes. The affiant swore the following statement about these events but has requested that her name not be mentioned.

On Thursday, 15 July 1982, at exactly 7.30 a.m., one week after the closure of Bir Zeit University by the military authorities, I took a taxi with other female students from Ramallah to Jerusalem to attend classes arranged by the Bir Zeit University administration as part of a programme to make up for those classes lost owing to the closure. The gathering place for these classes was to be St. Georges Secondary School in Jerusalem. At about 7.50 a.m. we reached the taxi station in Jerusalem and walked to Damascus Gate, along Saladeen Street towards St. Georges. About 50 metres before we reached the main gate of the school, we saw a military vehicle parked next to the entrance with four soldiers standing beside it. We kept walking and when we reached them, one of the soldiers asked, "Where are you going ?" He spoke fluent Arabic. I said that we were going to visit a sick friend. He asked again in a louder voice and demanded to see our identity cards. We gave them to him and he said that he would contact the headquarters to see if any of us had a criminal record. It was about 8.05 a.m. He spoke into his radio set and spoke Hebrew. He wrote down the numbers of our identity cards and asked us where we came from. One of the identity cards was not very easy to read so he took it to an Arab policeman, who was stationed at the YMCA (about 150 metres west of St. Georges). Our identity cards were returned to us and we were told to go. Then one of the eight policemen, stationed at the YMCA, came over to us and requested our identity cards. He found that one of the identity cards had an address in Bireh, so he asked the owner "Why did you come here ?" "I came to visit a friend of mine", she answered. He then asked all of us to follow him to the gate of the YMCA. There was a police van there, packed with girls and policemen. We found out that the girls were students at Bir Zeit University, some of whom we knew and others we asked about. There were also about ten young men standing side by side facing the wall. The police took our identity cards again and asked us to line up near the wall on the opposite side. While we were standing there, a young man passed by and he was asked : "Where are you going ? Why is your eye red ?" I did not hear his reply, but they said : "Your eyes are red because you were in demonstrations." They took his identity card and told him to stand in line as well. Then we heard one of the men speak over the radio. Ten minutes later an Egged bus [1] arrived and we were ordered to get onto the bus. There were about twenty of us, men and women. We were there for twenty minutes when the policemen brought another group of youths of about twenty. We knew some of them to be Bir Zeit University students. They put them on the bus, which then took us to the Ibrahimieh New School in Wadi el Jose (east of Jerusalem). When we arrived we found a number of young men and women standing. We recognized some of them to be Bir Zeit University students. We knew that Ibrahimieh School was the gathering place for the

science and commerce make-up classes. The students were guarded by five border guards. One of them ordered a young man to get onto the bus. We did not know who he was or where he came from. He was carrying a knife in one hand and a tape recorder in the other hand. With him was an Arab labourer carrying a glass cutter. They did not talk to us or make any contact with us. At about 9.40 a.m. the bus drove to Damascus Gate and on to the Russian Compound on Jaffa Road. Some students knew of the place and I learnt its name from them.

When we had arrived, some soldiers came with a list of students. They called out five names, and I was one of them. They took us into a yard inside the Russian Compound, where we found about forty Bir Zeit University students — male and female — sitting on the ground in the sun. We were later told that the soldiers had brought them there at 9.30 a.m., after their identity cards had been taken, from Ibrahimieh School or off the streets, to prevent them attending the planned make-up classes. They then took us into a room, built of wood, which had some chairs on which we sat waiting our turn. A soldier would come in with the names of students from time to time and order the named student to follow him for investigation. Through the windows, which looked over the yard, we heard the soldiers harass the students. They would swear at them and call them names. For example, one of the soldiers told the students: "You are not students — you are shit". Another soldier said that "Arabs are like cows and donkeys", and other bad expressions which I cannot repeat. If they saw a student standing up they would shout at him, using such expressions as "You son of fornication", to force him to sit down. In the meantime a soldier would come and call out the name of a student and take him for investigation.

Twenty students were called, but I was not amongst them. Later I was told by one of my friends who was called in that in the room was one policeman and two plainclothes men. One of them would ask each student: "Why did you come to Jerusalem?" She would reply that she had heard that studies were to continue at St. Georges and Ibrahimieh Schools. Then he would repeat: "We know all you Bir Zeit University students, you are rascals but we will teach you." He would then say "there are to be no make-up classes and if we find one of you in Jerusalem we will make you pay a fine of 50,000 IS and put you in prison for a year." Then they were taken into the yard. This continued until 12.20 p.m. At that time all the police and soldiers left except for two Arab policemen. One of them said: "We shall take you to Ramallah with us. On the way we will give you your identity cards, then you may go home." At 12.30 they brought a large army bus, open at the back. They took one third of the students, about 30, and we do not know where they went. After about one hour they brought a similar bus in which they took 40 students including me. We were taken to Ramallah military headquarters. We were accompanied all the way by an army lorry and a jeep in which there were four students. We reached the headquarters, which is about 500 metres from the Manara. [2] We got out and they made us sit beside the students who had come on the other bus. It was about 2.00 p.m. A quarter of an hour later, another group of 15 students arrived and sat with us. A group of 12 soldiers came with an inspection device [3] which they applied to the male students. They then brought the identity cards and read out the names to see that everyone was present. They divided the male students from the females, then brought a fire truck full of water. I know from previous experience that this truck had coloured water and was used against demonstrators to identify them. I had seen it before once in Nablus in 1976. They wanted to empty it, so they emptied it on the students using the hosepump on top of the truck. At 3.00 p.m. one of the soldiers insulted a female student using bad language. When she answered him back, he shouted at her and said "I will show you how to respect Israeli soldiers", and he called over one of the women soldiers

who was big and heavy, who took her inside. Later we learnt that she had beaten the student with her fists and with a large stick on all parts of her body. I could see the redness on her hands, but could not see the marks on the rest of her body. At 4.00 p.m. one of the soldiers came out with two identity cards for two students and warned them that make-up classes were forbidden. At 5.30 they brought ten more identity cards and repeated their warnings. The soldier then went off in a jeep and we awaited his return until 8.00 p.m. It was cold. At 8.10 p.m. the soldier came, gathered us together to give us our identity cards and asked: "Who can speak Hebrew?" One student replied and he called her to come and translate what he had to say. He told us to go home and forget the idea of make-up classes. He then gave us our identity cards, putting a mark on each identity card and asked us to all go to the Military Governor in our own districts. The mark was a blue shape on the front page of each identity card, near the personal photograph. After that I went to look for a place to sleep and I slept with one of my friends in Ramallah.

At 7.00 a.m. the next day, 16 July 1982, I took a taxi to my home in Nablus. We arrived in Nablus at 8.45 a.m. and I went home and told my family the story. At 3.00 p.m. the same day a police car with four Arab policemen came to our house. They told me to report to the Nablus military headquarters on 18 July 1982. They gave me an official summons to see a captain (I cannot remember his name) at 8.00 a.m. They then left. On 18 July 1982 I went with my father and brother to the military headquarters, which is located in the centre of Nablus. One soldier took the summons from me and left. Two hours later he returned and said: "You may go. Captain... is away." He tore up the paper and returned home. I had no more calls after that. I do not know what happened to my colleagues.

Signed: (name withheld from publication)

1 *Egged*: Egged is the main Israeli bus and coach operator.

2 *The Manara*: This is in the centre of Ramallah.

3 *Inspection device*: By this is meant a metal detector.

IV. d) TAYSEER ABU TAIR

The two following affidavits describe the general harassment of students that occurred shortly before the closure of Bir Zeit University in July 1982. The affiant, a twenty-three year-old student from Um Tuba in the district of Jerusalem, was living in Bir Zeit with three other students. All were awakened late at night by soldiers and taken to the military headquarters, where they were subjected to beatings. They were released at 3.30 a.m. and left to walk the ten kilometres home.

On Wednesday 30 June 1982 at 11.45 p.m., I was asleep when I was awakened by a knock at the door of my house in Bir Zeit. I looked out and saw three men in army uniform. They ordered me to open the door and so I did. They came in and ordered me to give them my identity card, and they similarly asked my three friends, also Bir Zeit University students, who lived in the same house, after they had wakened them up at gun-point. They then started to search the house. At this point three other soldiers came in and they searched too and confiscated some posters that were on the walls. They then ordered us to leave and go out to a blue Dodge car with a Ramallah licence plate. The soldiers spoke Hebrew. When we got to the car, we found four other students from Bir Zeit

University. The car then drove us to a nearby village (Jifna) about two kilometres east of Bir Zeit. They then drove us to the military headquarters in Ramallah. They asked us to get out of the car and divided us into two groups. My friends and I were made to stand in front of the headquarters building while the others were taken inside. It was then 12.30 a.m. They asked us to move a distance of two metres from each other and to sit on the ground facing north. After fifteen minutes, ten soldiers came from behind us and asked two of us where we were from. The two were: Hasem Dawaneh from Silon village, Jerusalem district; and Nael Nufel from Jelazon camp in Ramallah district. When Hasem said he was from Jerusalem district they ordered him to sit down, but they took Nael to some other place. My friend, Rasheed Hreeb from Dahaben village, Bethlehem district, and I were left alone for a while. About ten soldiers returned and started beating up Rasheed. They then left us with one soldier. He told us that the soldiers who had attacked us were going to Lebanon that night and that is why they wanted to take revenge on us. The soldier left us for a moment and returned with our colleague, Nael. After that he inquired about our addresses and he slapped Nael twice on the face when he told him that he was from Jelazon camp. As for me, he told me to lie face down and he stepped on me twice. Then he left us with just one guard. We remained like that until 3.30 a.m. when they released us and we walked back to our house in Bir Zeit.

Signed: Tayseer Abu Tair

IV. e) ADNAN ISMAEL

The affiant, a twenty year-old student from the Gaza district was staying at a student hostel in Ramallah. He describes the events that occurred when the army arrived late at night and rounded up all the students. They were made to walk to the military headquarters and were subjected to abuse, insults and some physical violence.

On Monday 28 June 1982, at about 11.30 p.m., while I was with my fellow students in the study hall in the student hostel for Bir Zeit at the Rabah Hotel in the centre of Ramallah, one of the students came running from the TV room and said that Israeli soldiers were marching round the hotel in a suspicious manner that indicated an impending attack. Upon hearing this, I went immediately to the second floor with my friends. Meanwhile two soldiers had entered the building by climbing up the pipes to the fourth floor, climbing onto the verandah and then into the rooms. We therefore found some soldiers already on the second floor. These soldiers opened the door for the rest and about fourteen soldiers entered. They went into the kitchen and started drinking coca cola which was in the refrigerator. One of them then sat down in the study hall on the second floor. He turned out to be the commander. The rest of the soldiers went to the bedrooms to round up the students. They ordered us to come down to the first floor, one after another. We all came down — there were 53 of us. They ordered us to sit down with our heads facing the floor. They continued drinking cola and laughing at us and mocking us using obscene language. They then asked us to place our identity cards on our heads. They inspected the identity cards twice and then divided us into two groups. One group remained on the floor, the other was moved to another place in the building. We were then sent, three at a time, to change out of our pyjamas. When we returned they made us count 1, 2, 3, 4,... many times. We were then taken out into the street in front of the building. We were lined up in threes and ordered to count again. They then told us to march to the Military Government headquarters, which is about one kilometre to the north of the town centre. As we walked they ordered us to call out "potatoes" on the first

step and "tomatoes" on the second step, then they told us to stop. Halfway they ordered us to run, warning us that anyone who delayed would be beaten and some were beaten. Before we reached the entrance to the military headquarters they asked us to change the "tune" to say "eggs" and "potatoes". When we reached the entrance they ordered us to shout aloud "potatoes-tomatoes, potatoes-tomatoes", then "eggs-potatoes". The soldiers at the gate started mocking us with words I can only describe as filthy and indecent. Suddenly they ordered us to be quiet and asked: "What's happened to your brains? Why are you calling out "potatoes" and "tomatoes" ?", then they burst out laughing and started te repeat the chant. We were ordered to sit on the ground in the yard. The yard was full of broken glass, thorns and dirt. They asked us to lie down with our faces in the dirt. After a short while, a soldier came asking each student where he was originally from. Then some of the soldiers left, others remained. They ordered two of the smallest in the group, student Nabeel Afana and Usam abu Nasser, to stand against the wall, raise their hands and ordered them to stimulate having sex with the wall. During this time, one of the soldiers came in, looking very drunk, and started yelling and threatening and cursing us. Each of us was asked which year we were. One of the students replied that we were all first year students, so they took him. We don't know where. He later told me that they took him to a room, beat him up and asked him about other students who were not with us. They then took him to Bir Zeit village. As for us, we remained there until 2.50 a.m. Some students asked for food, because they wanted to fast the next day as it was the month of Ramadan. The soldiers refused and they also forbade the students to perform morning prayer. They warned us that they would bring us to this yard every night. All the soldiers left except for one guard. After half an hour they ordered us to go out in twos and gave us back our identity cards which they had taken from us while we were in the yard, and we returned home.

Signed : Adnan Ismael

IV. f) MARK CHEVERTON

The following affidavit is taken from a British national who was working in the biology department at Bethlehem University. Following his refusal to sign what he considered to be a highly political document, [1] he was ordered to leave the country by the military authorities. The affiant describes the events that led up to his being told to leave and gives his reasons for refusing to sign the statement.

I arrived at Bethlehem University two months ago (2 September 1982) to teach biology as a laboratory instructor. I applied for a work permit to do so, and, as is normal practice, commenced work immediately, preparing for the new academic year by writing a manual for laboratory biochemistry. In applying for a work permit I signed a statement agreeing to abide by the laws of the region.

Term was scheduled to begin on 20 November, but when I arrived in the morning a road block prevented me and other teachers and students from entering the university. The soldiers told me to go to the Military Government in Bethlehem to sign a statement. When I went I found that the statement was highly political, and I declined to sign it because of this. I went to seek advice from my consulate, university and fellow teachers.

The Military Government continued to prevent the university from opening until a fortnight later (4 October).

Then Col. Bahar, "Civil Governor of Bethlehem", summoned the teachers who had recently applied for work permits to see him on 7 October. We were given a pep talk during which we were advised not to involve ourselves in the politics of another country. However, contrary to this advice he asked us to sign this political statement.

One week ago (28 October) I was summoned again by Col. Bahar, this time on my own, and asked to sign this political statement in order to receive my work permit. I again declined to involve myself in this political issue. The governor instructed me that I must leave today (5 November) if I did not sign.

Today I am being deported for my refusal to make a political statement.

Why I cannot sign : I came to this country as a teacher. I want to help with the education of people here. I did not come for political reasons, but solely on humanitarian grounds.

Right of self-determination : I believe that it is the right of all people to decide on their own lives and their own politics. I have no right to impose my ideas, beliefs or politics on others. No-one has the right to dictate to others how they should live. Certainly no-one has the right to force me to impose my politics on another country.

Whilst I came to help people to build their own future and to construct stable foundations for their country through education, I am now being asked to interfere politically with the education system I came to help. My conscience cannot allow me to do this.

Academic freedom : Universities have a duty to seek after truth and to pass on knowledge. To do this they need freedom from commercial, financial and political pressures. Truth is distorted and objectivity lost if any such pressures are brought to bear. As a political demand on academics this statement is a blow to academic freedom and hence to truth.

Consequently I ask all people who believe in peace, freedom and truth to join me in condemning this attempt at political control of education.

Political and offensive nature of the statement : There are already ample provisions on the statute books for security measures, and I have moreover signed a statement that I agree to abide by these laws when I applied for a work permit. Thus the only possible purpose of this statement is political. The statement is clearly political in its nature and intent as it refers explicitly to only one organization and to no others.

The statement is also highly offensive to a people already deprived of democracy and self-determination : it can only stir up more trouble by breeding resentment. I object to this attempt to make me interfere with other people's politics and thus to offend those I am trying to work with and teach.

Conclusion : I will be leaving the country this afternoon, forced to leave against my will. I want to help people through education, but this is being denied. In conscience I cannot make this statement and the only alternative is deportation.

I am deeply saddened that those who most need education are being denied this basic human right. I am also worried that the Military Government is continuing to create more tension in an already unstable area.

Signed : Mark Cheverton

1 For the text of the document see the introduction to this section.

V. TOWN ARREST

According to LSM's information, by August 1982 fifty-seven town arrest orders had been issued in the West Bank and East Jerusalem. Town arrest is a recent method of control. Until 1979 only two such orders had been issued. But in November 1981 alone, ten people were restricted to their towns as a result of the imposition of town arrest orders. Usually the orders run for an initial period of six months. Very often they are renewed. In August 1982, thirty four people were under town arrest. They had not been charged with any offence, nor had they been brought before a court of law, yet their physical movement had been severely restricted.

The legal basis for town arrest in the West Bank is to be found in Military Order 378 (an order concerning security regulations) enacted by the Israeli Military Government on 20 April 1970. Those in East Jerusalem are restricted under Articles 108-110 of the Defence (Emergency) Regulations 1945 (D (E) R) enacted by the British Mandatory Government of Palestine and retained by the Israeli Government. Military Order 378, Article 86 deals with special supervision and contains the same provisions as Articles 108-110 of the D(E)R. Article 86 empowers the military authorities to restrict individuals to a particular town, village, or district; place them under house arrest; impose limitations on their travel; and require them to go through official formalities, such as periodic registering. The most common restrictions applied to those under town arrest are to be found in Section b) of Article 86 : restriction to a named town during the day and restriction to one's house at night. Over half of those under town arrest are required to report regularly to the police station.

The relevant law requires that such orders should only be made where the Military Commander is of the opinion that they are "necessary or expedient for securing the public safety, the defence of Israel, the maintenance of public order or the suppression of mutiny, rebellion, or riot" (D(E)R Article 108). In a letter to Amnesty International (2 June 1982) the Israeli Attorney General stated that restriction orders, "are intended to prevent acts aimed at endangering State Security." Article 78 of the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War, states the following : "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at most, subject them to assigned residence or to internment." The same article continues to state that the procedure shall include a right of appeal which shall be decided with the least possible delay.

Appeal against restriction orders on the West Bank are to an Appeals Committee — a military tribunal presided over by a senior officer. The Appeals Committee was established under Military Order 815 (11 December 1980) as amended by Military Order 918 (12 June 1981). The purpose of the committee is to hear appeals, to review the arrest

order in question, and to make recommendations to the Area Commander. Previously, the committee reviewed arrest orders automatically every six months. But since Military Order 918, review has only taken place when requested by the person under restriction. Restricted persons are not usually given the reasons for their restriction and thus have difficulty in challenging the evidence or the orders. Few of those under town arrest have appealed to the Military Appeals Committee. One who did was told that the Military Governor had been extremely generous in only restricting him to his town. In three cases, lawyers representing those under town arrest have succeeded in changing the place of restriction to allow their clients to continue work or studies. If appeal to the Appeals Committee is unsuccessful, restricted persons may also appeal to the Israeli High Court. It has, however, been unusual for the court to question decisions made by the Regional Commander for security reasons. In a High Court case involving house demolition (H.C. 361/82, reported in *The Jerusalem Post Law Report* 3 November 1982) Justice Barak said, "Control by the court of the military commander's discretion, like all judicial control of administrative action, was legal control relating to the legality of the discretion exercised, and not factual control relating to the efficacy or advisability of the discretion being exercised."

More than half of those people restricted under town arrest orders have never been found guilty of an offence and have no previous history of confrontation with the military authorities. Town arrest orders appear to be used as a punishment for people who could not otherwise be prosecuted. The reason for the restriction usually seems to be the holding of a responsible position in the community. Therefore, unions, student councils, and charitable societies have all seen their leaders restricted.

LSM has conducted interviews with everyone under town arrest orders in the West Bank, East Jerusalem, the Golan Heights and the Gaza Strip, and keeps full records of the particulars of each case. In this collection the testimonies of a newspaper editor, a university student, the director of a charitable society and a grocer are included. The affiants testify to the circumstances in which they were restricted under a town arrest order and the way in which that has affected their lives.

V. a) ALI AWAD EL JAMMAL

The following affidavit was given by a thirty-five year-old grocer from Jenin, who was imprisoned for seven years without trial before being released and placed under town arrest. It outlines the details of his imprisonment and the effects the town arrest order has had on him.

On Saturday 9 May 1975 at 1.00 a.m. I was arrested at my home in Jenin and was taken to Jenin prison. At 8.00 a.m. I was taken to an investigation room where eight persons, looking at me, started laughing, and beat me up. I did not know what they wanted. The beating was so severe that my feet bled and the stick was broken. I was unable to walk so they carried me to Nablus prison where they threw me in a dungeon under the stairway. There was nothing in the place but dirt and bad smells. I remained in Nablus prison for fifteen days. The investigators used all kinds of cruel treatment: pushing, crucifying, severe beatings on vital parts of my body, and pouring cold water over me. I was sort of paralyzed, unable even to creep or even speak. After this I was moved to a dungeon in Ramallah prison. Here again I went through cruel and fierce treatment. Throughout this period they kept me in a dungeon by myself while they treated me in a very fierce and vengeful way for thirteen days. I hardly slept or ate during this time.

The investigation took a period of one hundred days from the time of arrest on 9 May 1975. For seventeen days and nights it was non-stop without any rest. The Red Cross was not permitted to visit me until I had been detained for ninety days. The Red Cross informed me during the visit that I was being held for administrative reasons. The hundred days of investigation were days of pain and harshness and hope that I had to endure in dungeons in Jenin, Nablus and Ramallah. After one hundred days I was taken to Ramallah prison where I was kept inside from August 1975 until my release on 2 March 1982. Every six months I had to report for my detention to be renewed.

After the seven years were over on 2 March 1982 the Security Officer called me to the office of the Prison Director and told me to take all my clothes without informing me of the reason.

When I entered the director's office I found the military officers of Ramallah and Jenin districts. The Jenin military officer told me that the situation in Jenin was quiet now and that I would be held responsible for any future disturbances. He told me that Dr. Milson of the Civilian Administration had done me a great favour by releasing me. This was a surprise to me as I had spent seven years in prison without having been charged, without having done anything. I was never brought before a court nor did I stand before a judge. I replied, "Was I released due to a High Court verdict?" I was released because of the efforts of noble men from various international organizations who knew about my situation.

When the argument was over the Military Governor of Jenin district told me, "Now you may go home, but you are forbidden to go to Ramallah or Nablus. I have already spoken to the taxi office; you pay your fare and go straight to Jenin", and he handed me a written town arrest order to confine me to Jenin for six months. I was forbidden to leave my home or change my address and I had to report and sign at the police station at 8.00 a.m. and 12.00 noon every day. He gave me these orders before I had met my old mother who had come and had been waiting for hours at the prison gate.

The town arrest had a very large effect on me, especially when it was renewed. Fourteen days before the renewal I asked the reason for my town arrest and the Governor told me that I was a dangerous person and a threat to the security of the state and the people. This had a crucial effect on my personality and my way of living. It was difficult for me to find work under these restrictions, so I opened a shop. But I had to close it twice a day to report to the police station and sign. I also needed to travel out of Jenin to purchase stock for my shop but I could not do that. So I closed the shop and worked as a labourer, for my freedom was restricted, and I was unable to move from place to place.

I should also note the bad effects on my health. My stay in prison affected my health and I still feel pain in my back. I am unable to go to West Bank hospitals for treatment and cannot visit specialists in the West Bank. I have to be satisfied with whatever is available in Jenin, and the limited treatment in its hospital. They do not have the specialists I require nor the proper medicine. The state of the hospital is bad.

All these difficulties had an effect on my mother who is about eighty years old and has poor eyesight. She needs to go to St. John's Hospital in Sheikh Jarrah, Jerusalem. She cannot go alone and I am her only son — my father died a long time ago.

The above are some of the difficulties I face from town arrest. In my view it is a continuation of prison. I moved from a small prison into a larger one. I was in prison for seven years without any charge, nor have I ever been to court. I became a burden on the authorities especially in my unknown case. I say that all these restrictions and lack of freedom to work, or travel, to obtain work, or medical treatment, or help my aged mother, or pay visits to members of my family, and friends in the West Bank and outside are illegal and against human rights.

Signed: Ali Awad El Jammal

V. b) LILA FAYEK MIR'EA

In November 1981, all nine members of the student council at Bir Zeit University were placed under town arrest following the closure of the university for two months. Some are still under town arrest orders. This affiant, a twenty-two year-old third year sociology student from Jenin, shows what town arrest means to a young woman denied the opportunity to pursue her studies and restricted to her small, conservative town.

On 9 November 1981, the Military Governor of Jenin called my father to his office at Jenin military headquarters and handed him a letter addressed to me in which there was a town arrest order for me. For a period of six months I was not to leave Jenin, I was to sign twice a day at the police station in Jenin at 8.00 a.m. and at 12.00 noon, and I was prohibited from changing my address without prior permission.

After the first six months were over, the order was renewed on 9 May 1982 for another six months. It was renewed again for the third time on 9 August 1982. These restrictions have had many effects on me, some of which are the following:

1) My status at the university. I was deprived of three academic semesters of about 45 credit hours. This has delayed my graduation time, and my academic career is in grave danger because the academic standards for any course of study require continuity. This long absence of one and a half years, which may be even longer, has a great effect on me, particularly because of the bad psychological conditions and the absence of good libraries in the town of Jenin. I was unable to continue my studies by correspondence as the rules and regulations of Bir Zeit University require that every student should personally attend the lectures. The university tried several ways to help me, but their efforts were unsuccessful for academic reasons, since I really need to attend and take an active part in the lectures.

2) The town arrest affected me and my personal social life and my psychological and social growth by depriving me of the free social life and modern, mature relationships and the contact with my peers at Bir Zeit University. Instead I had to live in Jenin in an entirely different social environment and system of social relations, where the social atmosphere is more confining to my human freedom. This was a harder confinement, especially in the absence of a mixed club, or parks, or a library or similar place that can help me avoid a socially paralyzed state. Thus I was deprived of my normal social relationships and became a person without work, or meaningful activity, and I became very frustrated. Especially since I had no occupation or degree enabling me to obtain employment. This town arrest, which forbids me from continuing my academic studies, is a kind of social murder that brings a slow death. Freedom of movement and academic freedom are basic human rights which I have been denied.

Signed: Lila Fayek Mir'Ea

V. c) AKRAM ABDEL SALEM HNIYEH

This affidavit was given by one of several journalists who at present are under town arrest. In 1980 the affiant, who is thirty years old and from Ramallah, appealed with three other journalists to the Israeli High Court to obtain permission to travel to work in Jerusalem, where the offices of El Shaab *the newspaper that he edits, are located. The court refused to interfere in the matter (H.C. 771/80). The affidavit shows how the imposition of town arrest orders serve to restrict the freedom of the press.*

On 7 August 1980 I was summoned to the office of the Israeli Military Governor for the Ramallah district. There I was read the town arrest order confining me to the city of Ramallah for a period of six months. I was also not to change my address without obtaining permission before hand. When I asked for a reason for this order I was told it was for security reasons.

Since that date the order has been renewed four consecutive times. Each time I was officially informed by the Military Governor in the same manner and each time I was told it was for security reasons.

The town arrest and its renewal four times had a direct effect on my work. As an editor of a newspaper I had to work hard and put in long hours. I used to put in 12 hours daily. My work involved overseeing and leading others in suggestions for editing and compiling news and correspondence; taking part in both local and international conferences; taking responsibility for public relations, which involved meeting guests and publishers; working to resolve any problems faced by the newspaper. I mention all these things not to show the amount of work I put in, but to show the amount of difficulties that the paper had to suffer as a result of my town arrest. I can say that after the town arrest order ninety percent of my work had to freeze. It is not wrong to say that I had to assemble the entire staff of my newspaper in Ramallah if I wanted to make some important suggestions or remarks. My absence from the paper as a result of the order has a mechanical effect as well on the style of work besides the big vacuum left as a result of the sort of work I performed. It also affected the standard of the paper. The owner of the newspaper made a statement to this effect to the High Court of Justice (H.C. 771/80).

The above is only one side of the picture. I am also the Secretary of the League of Arab Publishers. I am responsible for maintaining the link between all league members and for arranging all annual gatherings for the league and the general continuing of its functions, aims and projects. The town arrest has presented a stumbling block, as I have been unable to leave Ramallah to continue my work for the league as well as missing many international conferences. I had an invitation in the summer of 1981 to an international conference of editors in Moscow, but the authorities refused me permission to leave. I was also invited to the Brucksill Conference and a conference in Rome for the unification of editors in the occupied territories. There were also invitations from the Palestinian Congress in the USA and the League of Arab Graduates in Washington. I missed all these conferences as a result of town arrest. This had a big effect on me and my job and the standard of the paper I am editing.

Town arrest had other important results in my own personal relationships. This order made it impossible for me to have healthy relations with my own family and friends. I was not able to attend the funeral of my colleague, Marwan El Asaly, the director of the

magazine *El Shira*. I was not able to visit my family in the country and abroad to share in their joys and sorrows.

These denials of my rights and human relationships in my family and work began an inner struggle within me. I feel unable to start any project and I feel I have become a burden on the paper. I was also unable to read the paper as the authorities forbid its distribution in Ramallah.

I wish to say that the difficulties faced by the paper as a result of the town arrest may be more than the affects on any other person because of the nature of my job and its requirements of travel.

Signed : Akram Abdel Salem Hniyeh

V. d) SAMIHA SALAMEH KHALIL

The affiant, a fifty-nine year-old woman from the town of Bireh, is the director of one of the major West Bank charitable societies. Restricted to her town for two years, she attests to the problems faced by a woman who is socially active when her freedom of movement is severely restricted.

On 7 August 1980 I was called to the military headquarters in Ramallah and as soon as I arrived the Governor read to me the town arrest order which meant that I could not leave Bireh nor change my address without permission for a period of six months. I was surprised by the order.

The order was applied more than once — it was renewed four times every six months. The effects of this order were numerous as I have many vital positions. For example, I work as Director of the Society for the Rehabilitation of the Family, the Treasurer of the Society for Literacy in the West Bank and Gaza Strip, a committee member of the Union of Philanthropic Societies in the district of Jerusalem, and also a member of the Union of Societies in the West Bank. Because of town arrest my work has been curtailed and I have been unable to contact the societies I represent, and solve any problems they have had, nor have I been able to be of any help to the societies in nearby Ramallah, or even find any solutions to their difficulties and problems.

It is natural to assume that these philanthropic societies depend in most cases on gifts and contributions to meet their expenses. I used to travel abroad to conduct parties and give speeches to raise funds for these societies to support their work and to make it possible for them to continue functioning. Their work includes helping poor families, giving students scholarships and lending them money to pay tuition fees. Before 1980, that is before town arrest, by my efforts I was able to obtain donations from the USA of $ 300,000 and from Iraq of $ 50,000. I made similar trips to the Gulf States. Since my arrest I have not been able to do any of this kind of work.

I was also denied the opportunity of attending international conferences. I had invitations extended to me by more than ten conferences during the years 1980-82 but I was not able to attend one of them. The Military Governor forbade and still forbids me from attending any conference in spite of the attempts and requests from the inviting countries.

This is one side of the town arrest. the other side is the effect on my social and family life. For example, I applied for permission to accompany my sick husband to Amman for treatment. The application was accompanied by medical reports but it was refused. My husband had to travel alone with the Red Cross and when he returned he was not well physically or socially.

On 26 April 1982 I was summoned to the military headquarters and informed that my town arrest was being renewed. At this time my husband was dying and two days later he passed away. Before his death he had asked to be buried in Taibeh el Muthaleth, the village where he was born. He requested Mr. Shafik, my husband's brother, to obtain permission for me to attend the funeral service at Taibeh. At first the Governor promised to give him the permit for the burial service. but before Shafik left the office the Governor asked "Is Samiha the wife of your brother?" He replied "Yes". The Governor did not issue the permit but said that he would call him at home and give him the final answer. But nothing came even two days after the death although we supplied the Governor with all the reports he requested and did not announce the death in the newspapers. The Governor postponed the matter until we had to bury my husband in Bireh. Thus I was unable to comply with my husband's wishes — a religious duty and custom that is known throughout the world.

Town arrest also prevented me visiting the east side of the Jordan where my children are living. I applied for permits for them to cross over and visit me but such applications were refused. I could not go and they could not come so because of town arrest we became a scattered family and I am denied the opportunity to see my children.

In brief this is what troubles and difficulties I have had since the town arrest order was issued. I call on all free people and noble men to use their power against these cruel confinements and treatment.

Signed: Samiha Salameh Khalil

APPENDIX

Press release of the International Commission of Jurists, Geneva, Switzerland, 16 February 1983

Reprisals by Israeli Appointed Administrators in West Bank Town

Law in the Service of Man (LSM), a group of lawyers in the occupied West Bank affiliated to the International Commission of Jurists, report that the administrators appointed by the Israeli military authorities in the town of Jenin have, in the last four months, adopted a practice of cutting off water and electricity services as a means of bringing pressure on or punishing their opponents.

When the elected West Bank municipal councils began to oppose the Israeli authorities' so-called "civilian administration", several of the councils and their mayors were dismissed and replaced by Israeli appointees. On 6 July 1982, the mayor and local council of Jenin became the fifth such to be dismissed. They were replaced by a three man committee headed by a local businessman, Shehab Sanouri.

The committee took over all the powers and responsibilities of the elected council, which include the provision of water and electricity. It is now becoming clear that the committee is treating the duty to provide these basic amenities as a favour to be granted or withheld on an arbitrary basis.

The first case to come to the attention of LSM was that of an engineer, Wafa Fayek Mir'ea. On 6 October 1982, water and electricity at his office was cut off by the committee. No reason was given, but the services were not restored until 23 November 1982 after Wafa had contacted his lawyer. On 9 October 1982 a café owner was deprived of both water and electricity after he had refused to provide coffee for workers employed by the committee. Later in the same month the whole eastern quarter was left without electricity and water for two and a half days. Some 3,000 people were affected. This action was taken as a punishment after slogans denouncing the committee were found on walls in the area. Recently four families were left without water and electricity for twelve days after their teenage sons had quarrelled with the sons of Shehab Sanouri, head of the appointed council.

In total, LSM has details of 16 cases of similar action being taken by the committee, and reports of similar incidents are still being received.

These are not the only examples of unlawful or arbitrary action being taken by the Israeli appointed committee. In November 1982, they ordered the destruction of the Jenin bus station following the refusal of the bus companies to pay vastly increased fees for the use of the bus station. As a result, public transport in the city and for surrounding areas has been severely disrupted.

The people of Jenin are without any means of remedying the situation. Under Military Order 164 no legal action can be initiated against municipal councils appointed by the military without the prior written permission of the Military Government. On 6 November 1982, Adi Khalil Abdul Asreiri had the water at his house cut off after being accused by the committee of tampering with the water meter. He denied this, and when he attempted to challenge the committee's decision in the courts the committee cut off his electricity. The court in turn refused to hear his case as Adi did not have the permit required by Military Order 164. The incident left seven people without water and electricity.

LSM is gravely concerned by the Israeli military authorities' apparent authorization or tolerance of the practice of withholding of basic services on personal and political grounds by their appointed municipal committees.