

# Conflict between Israel and the Arab countries

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The Agency bureaus, as part of their work of reuniting families, were also active in transferring members of separated families from one zone to another.

Lastly, the ICRC delegation in Damascus, in co-operation with the Agency in Lebanon, took over all the cases of displaced Lebanese persons in Syria.

#### *STATISTICS*

Cases handled	42,853
Inquiries instituted	1,941
Positive results	1,850
Negative results	647
Family messages exchanged	28,961

#### **Financing the action**

The ICRC action in Lebanon would not have been possible without the confidence accorded to it by many governments, National Societies, international organizations and individuals, and without the substantial material assistance they provided.

In 1977, donations received by the ICRC amounted to 3,135,940 Swiss francs in cash and more than 22,300,000 francs in kind. The list of cash contributors is on pages 68-69.

Contributors who made gifts in kind for the ICRC relief action in 1977 were:

*RED CROSSES:* Canada, Denmark, France, German Democratic Republic, Italy, Sweden, United Kingdom.

*GOVERNMENTS:* Iraq, Switzerland

*OTHERS:* EEC, UNICEF, WHO, Caritas, Rotary Lyons, Association Suisse-Liban, Armenian Sanatorium.

## **Conflict between Israel and the Arab countries**

#### **Re-appraisal of activities**

After ten years of activity in the countries directly involved in the Israelo-Arab conflict, the ICRC in 1977 considered it necessary to re-examine its action, especially in Israel and the occupied territories. Since the cease-fire which followed the

October war in 1973 and the repatriation of the last of the prisoners of war, in 1974, the ICRC has been mainly engaged in assisting the Arab civilian populations in the occupied territories. In addition, 1977 witnessed a change in the government of Israel.

After concluding its reassessment, the ICRC sent a mission to Israel to meet the new authorities and discuss the activities of the ICRC in the occupied territories and consider future possibilities.

This mission, composed of Mr. Richard Pestalozzi, special assistant to the President of the ICRC and a member of the Executive Board, and Mr. Jean-Pierre Hocké, Director of the Department of Operations, was in Israel from 17 to 27 November. The ICRC representatives had talks with Mr. Moshe Dayan, Minister of Foreign Affairs, Mr. Ezer Weizmann, Minister of Defence, Mr. Yossef Burg, Minister of the Interior and Police, Mr. Schmuel Tamir, Minister of Justice, General Avraham Orly, Co-ordinator of the administered territories, and Mr. Eytan Ronn, political adviser to the Ministry of Foreign Affairs.

The delegation reviewed with its interlocutors the main questions involved with regard to the Fourth Geneva Convention of 1949 relative to the protection of civilians in time of war, and in particular:

- the applicability of the Convention;
- problems relating to detention, such as improvement of the system of notification of the arrests of protected persons, including natives of East Jerusalem; access to detainees undergoing interrogation, with the possibility of interviewing them without witnesses, a matter which had been the subject of an offer by the Israeli authorities with regard to improving the facilities for visits by delegates; conditions of detention and various questions about the presence of an ICRC legal delegate at the trials of protected persons before Israeli military courts;
- the reuniting of families;
- the destruction of houses;
- the displacement of populations and the establishment of Israeli settlements in the occupied territories.

The results of these interviews are given in this chapter, under the respective headings listed above.

These subjects were also dealt with in a memorandum sent on 22 December 1977 to the Israeli Minister of Foreign Affairs. Since the Israeli authorities had said they were prepared to consider the points raised by the ICRC in a constructive spirit, a reply was expected from them early in 1978.

### **Applicability of the Fourth Convention**

On the question of the applicability of the Fourth Convention, the attitude of the Israeli authorities remained unchanged on

a matter of principle: they considered that the Convention was legally not applicable, but said they would apply it in practice.

The ICRC maintained that the necessary conditions for its application had been met. With the authorization of the Israeli authorities to act on a pragmatic basis, the ICRC had made every effort to guarantee that the provisions of the Fourth Convention were observed as fully as possible.

In the November talks, the Israeli authorities reiterated their preference for a pragmatic approach, settling questions as they came up without any formal reference to the Fourth Convention. They said they were prepared to go farther than before in this respect, however.

### **Problems relating to detention**

It was in this field that the greatest progress was made, with the negotiations leading to a new agreement on ICRC visits to persons from the occupied territories and from Arab countries, detained by the Israeli authorities.

The former procedure had provided for notification by the Israeli authorities to the ICRC of all arrests of protected persons within 18 days, except for residents of East Jerusalem. This distinction had been maintained, despite the requests of the ICRC, even though it was permitted to visit detainees from East Jerusalem under the same conditions as other protected persons under detention. The procedure had also provided that the ICRC delegates could interview detainees of their choice without witnesses present. They did not have access however to detainees during the period of interrogation following their arrest, a period which the Israeli authorities said should not exceed thirty days.

The ICRC had noted, however, that the procedure for notification and the period of interrogation was not always respected.

*NEW AGREEMENT ON VISITS.* — Under the new agreement reached in November between the Israeli authorities and the ICRC, arrests for security reasons of protected persons will be reported to the ICRC within 14 days. Within the same lapse of time, the ICRC will be permitted to visit all detainees, including those under interrogation. With regard to the latter point, visits may be made every two weeks until the end of the period of interrogation and will be mainly designed to enable the delegates to ascertain the state of health of the detainees. If necessary, such visits will be followed by visits of an ICRC medical delegate. Lastly, the Israeli authorities will carry out an investigation whenever a report by a delegate or medical delegate, in their opinion or in that of the ICRC, justifies such action. The ICRC will be notified of the results of the investigation.

Since, for practical reasons, the new procedure was to enter into effect only at the beginning of 1978, the visits in 1977 took place in accordance with the previous practice (see below).

### **Reuniting of families**

*BETWEEN SYRIA AND THE OCCUPIED TERRITORIES.* — The ICRC arranged the reuniting of four families between Syria and the occupied territories. Two persons joined their families in Syria and four persons in Syria joined their relatives in the occupied territories.

*TOWARDS THE OCCUPIED TERRITORIES OF GAZA/ SINAI AND THE WEST BANK.* — For people wishing to go to the occupied territories of Gaza/Sinai and the West Bank, to be reunited with their families under the procedure established by the Israeli authorities, requests must be addressed to these authorities by the family members living in the occupied territories. Only in the event of a refusal, and if the family so requests, does the ICRC in some special cases intervene with the Israeli authorities.

Seven such cases, four in the Gaza Strip and three on the West Bank, were submitted by the ICRC to the Israeli authorities in 1977, some cases for the second time after a previous refusal. Four of these requests were granted, while the remaining three were still under consideration by the Israeli authorities at the end of the year.

On several occasions, and in particular during the November talks, the ICRC intervened with the Israeli authorities to obtain more rapidly, and with greater generosity, authorization for persons to return to these areas in cases especially deserving of attention.

### **The destruction of houses**

The destruction of a number of houses, all of them on the West Bank, were reported to the ICRC in 1977. These cases consisted in the destruction of three houses, three shops, the wall of one house, one apartment and two rooms.

The ICRC reiterated its request to the Israeli authorities that they desist from such measures, which are contrary to article 53 of the Fourth Convention.

### **The displacement of populations and the establishment of Israeli settlements in the occupied territories**

The ICRC takes the position that the establishment of Israeli settlements in the occupied territories and the displacement of populations which may result are incompatible with article 49 of the Fourth Convention.

The ICRC restated this position to the Israeli authorities and informed them that it would intervene every time it learned of protected persons' being displaced against their will because of the establishment of such a settlement.

### **Visits and assistance to Arab civilian detainees**

*VISITS.* — The delegates continued to visit every two months thirteen prisons in Israel and in the occupied territories where there were detainees from the occupied territories and Arab countries. At the beginning of the year there were 3,464 such detainees and at the end of the year 3,081, consisting of 2,557 persons detained on grounds of security and 524 penal law detainees.

The first four months of 1977 were marked by several hunger strikes, in particular at the prison in Ashkelon. The delegates transmitted the complaints of the detainees to the Israeli authorities, inasmuch as these complaints were directed toward improvements in the conditions of detention.

As is customary, the ICRC visits were the subject of reports which were sent to the occupying power and to the countries of origin of the detainees.

*ASSISTANCE TO DETAINEES AND THEIR FAMILIES.* — The following activities were continued or intensified:

*Family visits:* Every month, the delegates arranged for the transport by bus or taxi of more than 3,000 persons (a total of 37,646 persons for the full year) to enable them to visit detained relatives.

*Medical and other types of assistance:* Various prostheses (dental prostheses, medical trusses, orthopedic shoes, eyeglasses) were supplied to 189 detainees.

Parcels of fruit — 35,156 for the year — were distributed monthly to all detainees and the neediest among them also received small sums of money to enable them to make purchases at the prison canteens.

The delegates also gave 2,000 bundles of summer clothing and 550 bundles of winter clothing to detainees who received no such items from their families.

The ICRC continued to provide books for the prison libraries. The total cost of this assistance amounted to 362,000 Swiss francs.

*PRESENCE AT TRIALS.* — The legal delegate attached to the delegation in Tel Aviv followed 35 trials of protected persons before courts in Gaza, Hebron, Ramallah, Nablus, Tulkarem,

Massade, Lod and Jenin. In connection with this activity he maintained regular contacts with the lawyers for the detainees and with the prosecutors and Israeli judicial authorities.

### Medical survey in the occupied territories

The ICRC sent a medical delegate to the occupied territories in the Gaza Strip, Sinai and the West Bank from March through July to make a health survey, following up those carried out in previous years.

As usual, the observations of the medical delegate were communicated in reports to the Israeli authorities and to the authorities of the Arab countries concerned.

### Food assistance

In four operations in the United Nations buffer zone in the Sinai, ICRC delegates based in Cairo and the occupied territories transferred about 160 tons of relief material from various donors to the populations of these territories.

In addition, food distributions continued for the civilian populations in the occupied territories and to persons in Jordan and Syria, displaced because of the conflict, with supplies provided to the ICRC by the European Economic Community and the Swiss Confederation (see Table, p. 32).

### Passages across the demarcation lines

*STUDENTS, VISITORS AND THE REUNITING OF FAMILIES.* — Following an interruption of nearly four months — due to the discovery of some cases of cholera in the Gaza Strip — passages *between the occupied territories of Gaza/Sinai and Cairo* were resumed at El Khirba, in the United Nations buffer zone in the Sinai, on 23 March.

About forty such operations took place under ICRC auspices in 1977, enabling 8,019 persons — 5,621 students, 2,346 visitors and 52 persons rejoining their families — to travel to Cairo and 7,785 others — 6,118 students, 1,661 visitors and 6 persons rejoining their families — to enter the occupied territories of Gaza/Sinai.

Following repeated requests by the ICRC over the past several years, the Israeli authorities had agreed in the autumn of 1976 that students living in the occupied territory of Golan could continue their studies in Arab universities and return to their homes, like students in other occupied territories.

The first such operation took place at Kuneitra in the United Nations buffer zone on 16 June 1977, when 12 students from the

occupied territory of Golan left for Damascus to continue their studies. A second operation took place on 17 November, for 19 students.

The ICRC also arranged for the passage at Kuneitra, at the end of July, of 13 students from Gaza, enrolled at the University of Damascus, on their way to rejoin their families in Gaza for holidays or to return after completion of their studies. At the end of August, the same procedure in the opposite direction enabled 6 students from Gaza to go to Damascus.

At the *Israelo-Lebanese frontier*, the ICRC arranged in December for the passage of one person living in Lebanon who wished to return to Israel.

*REPATRIATION OF CIVILIAN DETAINEES, INFILTRATORS AND BODIES OF THE DEAD.* — At the request of the authorities concerned, ICRC delegations in Israel and the Arab countries also arranged various transfer operations across the demarcation lines for the repatriation of civilian detainees, infiltrators — i.e. who had inadvertently crossed the lines of demarcation — and of bodies of the dead.

The largest such operation took place at El Khirba on 14 and 19 April, when 48 Egyptian civilian detainees, natives of Sinai, liberated by the Israeli authorities, accompanied by 55 members of their families, crossed the line on their way to Cairo. In the opposite direction, the bodies of 11 Israelis, including those of 9 soldiers who died in the war of 1973, were repatriated by the Egyptian authorities.

Later, in June and October respectively, ICRC delegates arranged for the transfer of two Egyptian civilian detainees to Cairo. The bodies of 33 Israeli soldiers were repatriated by Egypt, under ICRC auspices, in July and December.

The ICRC also took part in the following repatriation operations for civilian detainees and/or infiltrators:

- Jordan to the occupied territories: 21 persons
- Occupied territories to Jordan: 16 persons
- Occupied territories to Syria: 6 persons
- Israel to Lebanon: 8 persons.

It should be noted that the ICRC only agrees to participate in such operations when it has the agreement not only of the authorities on both sides but of the person to be repatriated as well. It therefore insists on an interview without witnesses with candidates for repatriation to enable them to express their wishes freely.

### Delegation staff

To carry out the activity described above, the ICRC maintained the following delegations in the countries directly involved in the Israelo-Arab conflict:

- The delegation in Israel and the occupied territories, with headquarters in Tel Aviv — which was also the residence of the delegate responsible for the occupied territory in Golan — and two sub-delegations, at Jerusalem and Gaza. At the end of 1977, this delegation consisted of 15 delegates and 33 locally recruited employees.
- A delegation in Egypt, with headquarters in Cairo, consisting of two delegates and six locally employed personnel.
- A delegation in Jordan with headquarters at Amman, with two delegates and six locally recruited employees.
- A delegation in Syria, with headquarters in Damascus with two delegates and five locally hired employees.

To maintain close contact with the people in the occupied territories and report their humanitarian needs, the ICRC delegates travelled extensively throughout these territories. They made weekly visits to local bureaus in the principal towns of the West Bank, the Gaza Strip and to El Arish in northern Sinai. They also carried out periodic missions in the Sinai desert and on the Golan plateau.

The delegations in Cairo, Amman and Damascus also took part in the transfer of various categories of persons across the demarcation lines between the occupied territories and the Arab countries.

The Damascus delegation was also concerned with the problems of victims of the Lebanese conflict (see previous chapter).

## Egypt

### Visit of ICRC President

At the invitation of the Egyptian Government, Mr. Alexandre Hay, President of the ICRC, visited the Arab Republic of Egypt from 16 to 23 December 1977.

In the company of the delegate general for the Middle East and the chief of the ICRC delegation in Cairo, Mr. Hay had talks with Mr. Butros Ghali, acting Minister of Foreign Affairs, Admiral Fuad Zekri, Vice-Minister of War, Major General Hassan El Kateb, chief of the Army Liaison Bureau, Dr. Ibrahim Badran, Minister of Health, Mrs. Amal Osman, Minister of Social Affairs, Mr. Sayed Mariei, President of the National Assembly, and Mr. Mahmud Riad, Secretary General of the Arab League.

The ICRC President also met Mrs. Jihane Sadat, Honorary President, and Dr. Mahmud Mahfuz, President, of the Egyptian Red Crescent.

Mr. Hay discussed with all his interlocutors the activities of the ICRC in the region.

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### Confrontation between Egypt and Libya

Following the frontier incidents between Egyptian and Libyan forces at the end of July, the ICRC offered its services to the governments of these two countries with a view to carrying out its conventional tasks on behalf of prisoners on both sides.

As the prisoners were repatriated to their respective countries at the end of August without any participation by the ICRC, the Egyptian and Libyan governments had no occasion to take advantage of this offer of its services.

## Western Sahara

As indicated in its Annual Report for 1976, the ICRC has encountered great difficulties in carrying out its mission of protection for the victims of the conflict in the Western Sahara. While it did have access, in 1975 and 1976, to a number of prisoners — 99 Algerian soldiers interned in Morocco, 63 combatants of the Polisario Front in Mauritania, and 57 Moroccan and Mauritanian soldiers in the hands of the Polisario Front — they represented only a fraction of the prisoners held by each side.

In 1977, the ICRC continued its efforts and made repeated approaches to each of the parties with the aim of obtaining lists of, and of making visits to, all the prisoners. At the end of the year, as shown below, the results obtained fell far short of those sought, since the International Committee found in this conflict in particular that humanitarian questions were treated as a political matter. The parties involved used the problems of protection and assistance as a means of exerting pressure and for propaganda purposes. They insisted, especially, on reciprocity, which is contrary to international humanitarian law, and so made it impossible for the ICRC to act.

Assistance to the persons in the camps at Tindouf, in Algeria, it should be pointed out, comes within the purview of the United Nations High Commissioner for Refugees.

### Mauritania

Three missions to Mauritania took place in 1977, the first in January, the other two in August and December. On each occasion the ICRC representatives were received by the Head