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SPECIAL POLITICAL COMMITTEE
29th meeting
held on
Tuesday, 30 November 1976
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 29th MEETING

Chairman: Mr. MOLAPO (Lesotho)

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 55: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/31/218, A/31/235 and Add.1 and 2, A/31/302; A/SPC/31/6, A/SPC/31/8; A/SPC/31/L.9 and A/SPC/31/L.10) (continued)

1. Mr. SAYEGH* (Kuwait) said that the work of the Special Committee must have been unpleasant and difficult - unpleasant, because persons especially sensitive to the question of violations of human rights had had to investigate that kind of violation; and difficult, because of the obstacles created by the fact that the Committee had not had access to the occupied territories. It must have also been unpleasant because over the years Israel had subjected the Special Committee to a campaign of denigration, as it had done for all the other United Nations bodies that had had to deal with any aspect of the Arab-Israeli conflict. Israel's campaign had been so severe that perhaps the very virulence of the insults it had directed at those bodies could be used as a measure of the impartiality with which they had acted and of the success of their work.

2. Although he would refer to a single aspect of the question, the policy of settlement and annexation, that did not imply that the other aspects considered in the report of the Special Committee (A/31/218) did not deserve equal attention. In his statement at the 19th meeting, the representative of Israel had referred to statements he had made in 1973 and 1975, had reiterated their basic concepts and had requested that they should be taken into account in considering the question of the policy of annexation and settlement. The delegation of Kuwait had done precisely that and would proceed to consider one by one the arguments presented over the years by the representatives of Israel.

3. The general position of Israel was that all that the Special Committee was saying about the question of the policy of annexation and settlement was erroneous and unfounded. That would apply, for example, to Mr. Rabin's statements quoted by the Special Committee, which consequently would also be erroneous and unfounded. Obviously, that was not what the representative of Israel had wished to say. What he had really meant could be reduced to three basic arguments. The first would be that the policy of annexation and settlement was a question that did not fall within the mandate of the Special Committee. According to Israel, it could be deduced that (a) the Special Committee had a mandate to investigate Israeli practices but not Israeli policies and (b) that neither Israeli policies nor practices affected the human rights of the population of the occupied territories. Although it was true that under the mandate originally given to it by the General Assembly in resolution 2443 (XXIII), the Committee had been entrusted with investigating Israeli practices that affected the human rights of the population of the occupied territories, the Assembly subsequently and for three consecutive years had asked the Special Committee to continue to investigate Israeli practices and policies in the Arab territories occupied by Israel since 1967 (resolutions 3092 (XXVIII), 3240 A (XXIX) and 3525 A (XXX)). Consequently, the Special Committee had had the

* The full text of the statement made by Mr. Sayegh will be issued as document A/SPC/31/PV.29.

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mandate to investigate both Israeli policies and practices for at least the past three years. With regard to the assertion that the policy of settlement and annexation did not affect the rights of the population, his delegation wished to affirm that the establishment of settlements in the occupied territories and the transfer of Israeli citizens to those settlements in violation of article 49 of the Fourth Geneva Convention violated the rights of the population established in the occupied territories and also the right of the population that had been displaced in 1967 to return, which had not been granted.

4. The second of Israel's arguments was that no policy of annexation and settlement existed. The delegation of Israel maintained that the fact that settlements had been established did not mean that a settlement policy existed -- despite the fact that many high Israeli officials had referred to it -- and that therefore the Special Committee had been hasty in arriving at an erroneous conclusion. In that regard, the representative of Israel had stated in the Special Political Committee in 1971 that in Israeli society liberty of expression was full and that political leaders, even when in official positions, exercised great freedom in publicly discussing views which might be disputable by their government colleagues. He had also stated that the official policies were those defined in official statements made on behalf of the Government as a body. Nevertheless, the delegation of Kuwait wished to point out that, even if only those policy statements issued officially by the Cabinet were to be considered as valid, many statements could be found that confirmed the existence of an official settlement policy. For example, in presenting her first Cabinet to the Knesset in March 1969, Mrs. Meir had said, "The Government will continue, as it has done in the past, to regard the settlement of our sons on the soil of the homeland as vital for the security of the State." Another example was the official statement of the Government's basic principles issued in November 1969, in which it had been stated that the number of security outposts as well as permanent settlements in both rural and urban areas would be increased. Mention should also be made of a statement by the Chairman of the Israeli Gahal Opposition Party, who had said, in referring to the question of settlements, that the "soil of the homeland" referred to in the Government's basic guidelines obviously included Judea and Samaria, the occupied territories. The statement of basic principles of the Government headed by Mrs. Meir, made in March 1974, as approved by the Knesset, had also said that steps would be taken for the continuation of settlement on the land in accordance with resolutions that would be adopted by the Government of Israel. The Government headed by Mr. Rabin had also, on 3 June 1974, pledged itself to follow the basic principles established by the three Governments headed by Mrs. Meir. An official statement issued after a Cabinet meeting in May 1976 had said that the Government would continue to encourage settlement on both sides of the "Green Line" in accordance with its basic policy platforms. It had added that the Government would prevent settlement attempts without its approval and had referred to the Government's approved settlement programme. The foregoing made it clear that for seven years four different Cabinets had made official statements in which they had affirmed that the establishment of settlements was part of the official policy. It had been understood by all in that way except, apparently, by the delegation of Israel. To cite another example, in an article published in the Jewish Press in June 1976, it had been stated, with regard to settlements, that in

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that area the basic lines of policy laid down by the Rabin Government were identical with those of the Golda Meir Government, which in turn had been an exact replica of the policy of the preceding Government. Despite all the examples cited, the representative of Israel insisted that his country had no settlement policy and that all that had been said by the Special Committee in that respect was erroneous, unfounded and misleading.

5. In addition to the Israeli Government's settlement policy, another declared policy of settlement of occupied territories existed -- that of the World Zionist Organization, an organization recognized by law by Israel as the organization authorized to deal with questions regarding settlement. The World Zionist Organization, at the first session it had held since the occupation of the Arab territories, had approved a policy of settlement in occupied territories and was entrusted with implementing that policy under the direction of the Government of Israel.

6. Israel's third argument was that the Special Committee had mistakenly inferred the existence of a policy of annexation from the existence of a policy of settlement, as if one were the inevitable consequence of the other. The fact was that not only did both policies exist, but the policy of annexation was the end and the policy of settlement the means for achieving it. Moreover, the policy of annexation was already being implemented, and part of the occupied territories had been annexed -- for example, Jerusalem, the territories surrounding that city, Northern Sinai, and so forth. Why was Israel denying that it had annexed Jerusalem? The day following the annexation of Jerusalem, the representative of Israel had stated that not annexation, but reunification, had taken place. In the Jewish Press on 14 May 1976, Mr. Begin, Chairman of the Israeli Gahal Opposition Party, had stated that there had been no annexation because a country annexed foreign territory, but Jerusalem had been "liberated". The argument used to deny the policy of annexation was worse than the policy itself, since it maintained that the occupied territories belonged to Israel and were consequently not occupied territories.

7. The policy of annexation not only affected what had been done previously but also what was being done in the rest of the occupied territories through the establishment of settlements. From the beginning there had been two schools of thought in Zionism: a political school, whose objective had been to obtain a charter from a foreign Power and thereby attain statehood; and the practical school, which had maintained that it would be sufficient to establish settlements without the need for a charter. Both tendencies had been reconciled by the school of synthetic Zionism that had prevailed since 1906 or 1907. That school maintained that there was a cyclical interaction between political arrangements and settlements. First, political arrangements were made and then settlements were established. That made it possible to make firmer and surer political arrangements, and so on successively. Settlements were established to exercise political control over the zone in which such settlements were located. That process persisted today, as was proved by the statements of Israeli leaders quoted in the report of the Special Committee.

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8. Briefly, contrary to the affirmations of the representative of Israel, the settlement and annexation policy was covered by the mandate of the Special Committee; there was an officially declared settlement policy, and an officially applied annexation policy.

9. Referring to the settlements in the occupied territories, the representative of Israel had said, first, that they were part of Israel's security and defence programme and not part of a civilian settlement policy as such. However, statements by Israeli Cabinets had said that the permanent rural and urban settlements were part of the Government's policy. Furthermore, the representative of Israel had said that in 42 settlements there were 4,200 occupants including 3,150 civilians, i.e. 75 per cent. In the West Bank, 21 out of 26 settlements were civilian. It was thus not true that the settlements were merely part of a defence system.

10. Secondly, it had been said that there were few people in the settlements. In 1973, there had been 42 settlements with 4,200 persons. At present, when the number of settlements had increased from 42 to 64, it was said that there were fewer than 5,000 people. Already in 1973, the Western press had calculated that there had been 15,000 persons in the new Jerusalem settlements. It would be said that those few thousand Israelis were nothing compared with a population of more than 1 million Arabs in the occupied territories, but the point was that in certain places, which were most coveted for permanent annexation, the effects on the demographic composition had been greater: for example, in Golan before the occupation there had been 110,000 Syrians and no Israelis; there were currently 8,000 Syrians and 2,000 Israelis. Consequently, Israel's arguments on that subject were false and misleading.

11. Thirdly, the representative of Israel had said that settlements, unless there were exceptional circumstances, had not been established at the expense of the population of the occupied territories but on public or abandoned land. That was also untrue, since in Jerusalem there were settlements on privately-owned land; more than 4,500 acres had been confiscated and the Arab population had been evacuated so that new homes for Israelis could be constructed on the ruins of their homes. On the Golan Heights, about 100 Syrian villages had been destroyed and their inhabitants, about 100,000 persons, were mostly living in refugee camps in Syria. According to an article published in the Chicago Tribune in January 1973, the settlement procedure was as follows: first, the regular army moved in for military and security purposes; once the Arab landowners had been moved, para-military agricultural communities were set up; finally, those communities were turned over to civilians.

12. The real character of the settlement policy was very clear: it was an illegal policy, contrary to international law; it was an immoral policy which violated the human rights of the evicted population; and it was a policy which was conducive to war and created obstacles to peace, as the Security Council had stated in its consensus of 11 November. Far from being harmless, temporary and based on military necessity, the settlements were a manifestation of expansionism, were illegal and constituted a threat to peace.

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13. His delegation appreciated the fact that the Government of the United States, although a strong supporter of Israel, had shown its opposition to Israel's settlement policy and considered it illegal and harmful. However, he would like to point out that United States responsibility went beyond simple statements. Everyone knew, for example, where most of the money for constructing the Israeli settlements came from. The United States Government should not encourage donations from private individuals for that purpose by regarding them as donations for charity which were tax-deductible.

14. Finally, his delegation welcomed the statement made at the 28th meeting by the representative of the Netherlands concerning the position of the nine members of the European Communities on the settlements, demographic changes and modification of the status of Jerusalem. However, it should be asked why, despite that statement, the members of the European Communities were not actively joining in the consensus condemning the settlement and annexation policy of Israel. Europe had also been cruelly occupied; and the reaction to that occupation had led to the preparation of the Geneva Conventions. He wondered whether the members of the European Communities would allow a technicality to prevent them from joining in the world consensus if the parties in the conflict had not been Arabs and Israelis.

15. Mr. RAO (India), speaking on a point of order, said that the statement of the representative of Kuwait was of great importance and requested that it should be reproduced in extenso.

16. Mr. GILBERT (Guyana) supported the request of the representative of India.

17. The CHAIRMAN reminded the Committee of the decision adopted by the General Assembly at its fourth plenary meeting concerning the transcription of the debates of the Special Political Committee and understood that the Committee wished the statement of the representative of Kuwait to be transcribed in accordance with that decision.

18. It was so decided.

19. Mr. DORON (Israel) said that the debate, which had been long and repetitious, had been characterized by blind animosity towards Israel with no attempt at considering the matter on its merits. It had been limited to a paraphrase of the report of the Special Committee. The most vociferous supporters of that report were representatives of countries whose behaviour on issues bandied about in the report, such as human rights, freedom of the press, conditions of detention and the like, was far below the standards of Israel. In that connexion, he asked in how many States a lawyer like Mrs. Langer, on whose statements a large part of the Special Committee's report was based, would have been free to travel abroad, lecture against her country, publish articles and a book and defame the country of which she was a citizen. That was in contrast to what had happened recently in one of the countries represented on the Special Committee. In Yugoslavia, a judge had been sentenced to six years' imprisonment for having confided his personal views on certain political matters to his own private diary; in other words, he had been

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condemned for his thoughts, not his deeds. But, unfortunately, there were no commissions to inquire about what was happening inside the countries that criticized Israel, or inside the territories occupied by them. And yet, in so far as Israel was concerned, the same subjects were being discussed simultaneously in various United Nations bodies again and again at the insistence of the Arab countries. That was certainly significant.

20. Referring to the criticisms made against Israel concerning the settlements in the areas administered since 1967, Ambassador Herzog had said in the General Assembly on 18 November 1976 that it had been conveniently forgotten that the Arab States maintained that a state of war existed with Israel. Nevertheless, when Israel took steps to ensure its security, they were deplored. It might be asked how long Israel was supposed to wait before the Arabs decided to enter into negotiations. For 19 years, Israel had established no settlements and yet its Arab neighbours had not wanted to discuss peace.

21. At an earlier stage, he had pointed out that the over-all number of Israelis living in those settlements was less than 5,000, and he maintained that that figure was correct. That meant an average of 83 persons per unit, which undoubtedly indicated that they were security outposts rather than settlements prompted by expansionist designs. Whatever viewpoint was taken, it had to be admitted that that was a very small number for a policy of would-be annexationist settlement over a period of nearly 10 years, which was supposed to have changed the demographic and physical situation in the areas. With respect to the populations of the settlements, it should be noted that in Israel all fit persons were in the reserve and the army was very small. He hoped that those who had been attacking Israel and accusing it of annexationist policies would be more careful, including those who had invaded whole countries and were criticizing Israel in the hope of diverting attention from themselves.

22. Another subject on which those who had no respect whatsoever for human rights liked to wax eloquent was the Fourth Geneva Convention. That Convention, adopted in 1949, had not been applied in any of the numerous armed conflicts which had erupted since its entry into force. Members of the Committee would recall that his delegation had made its position quite clear on the question of the applicability of the Convention in the areas under consideration and had stated that it was regarded as standard Israeli practice. Strict instructions in that respect were given to all Israeli soldiers, and each was given a copy of the four Geneva Conventions. Actually, in a number of instances, Israel had gone further than the standards set by the Convention; for example, the death penalty, permitted by the Geneva Convention, had been abolished by Israel. Israel permitted the local population to have access to the courts of the "occupying Power", which was not provided for in the Convention. In addition, Israel insisted that military judges must be lawyers of six years' standing and be qualified to become judges of the Military Appeals Courts; at the same time, the local civil and religious courts continued to function, applying their own laws. The Geneva Convention did not provide for travel by the local population, but Israel permitted travel in both directions - to and from the Arab countries considered to be at war with Israel.

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The Convention did not provide for the holding of elections, yet under the Israeli administration free and democratic elections were held for the local and municipal councils in the administered areas. He could quote numerous other examples.

23. If the situation was considered from the point of view of the human rights and true interests of the local population, it was far better than the formal declarations of acceptance by the Arab countries of the Geneva Conventions, as they were breached cynically in practice, as exemplified by the gravest violations of the Third Geneva Convention Relative to the Treatment of Prisoners of War and of the anti-hijacking conventions. Above all, it should be asked which of the two was the more honourable attitude and which of the two positions was more beneficial for the people for whose protection the Geneva Conventions had been created.

24. The film about Quneitra was clearly nothing but propaganda. The town of Quneitra had been devastated in the course of many years of intermittent warfare. The film which the Committee had seen at the request of the representative of Syria had been shown in many countries over the last year as part of Syrian political warfare against Israel. Invariably, the presentation of the film had been preceded by a so-called "introductory statement" by a Syrian spokesman. In such "introductory statements", the Syrian spokesmen sought to implicate Israel, since there was nothing in the film itself which involved Israel in the deliberate destruction of Quneitra. Why was it that the Syrians tried so hard to besmirch Israel? It should be remembered that in the course of the 1973 war, Syria had committed unspeakable acts of barbarity against Israeli prisoners of war. For many months, Syria had not permitted representatives of the International Red Cross Committee (ICRC) to visit prisoners and had even refused to provide lists of names of prisoners.

25. Little wonder, therefore, that the Syrians should mount a propaganda attack on Israel. The film which had been shown in the Committee was the Syrian reaction to the general revulsion against its misdeeds. It had been deliberately designed to divert attention from what the Syrians themselves had done.

26. The Israeli armed forces did not have a reputation for desecrating churches and graveyards. However, what had happened to the synagogues and Jewish cemeteries which had fallen into Arab hands was well known. In that connexion, he referred to what had recently been done to churches and monasteries in Lebanon. While those holy places were being destroyed and desecrated, and while thousands of people were being killed, Israel had provided humanitarian aid to the victims of the Lebanese massacres irrespective of their religious denomination. That was a demonstration of the respective conduct of Israelis and those who participated in the fratricidal fighting in Lebanon.

27. That Quneitra had been destroyed in the course of the six-day war was an irrefutable fact, despite Syrian efforts to claim otherwise. Moreover it was not the first time that Syria had made fraudulent allegations. For years, the Syrian

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authorities had systematically denied any knowledge of the existence of Israeli citizens who had fallen into their hands. Hundreds of Israelis had been imprisoned and tortured. By way of illustration, he cited the case of Jacob Mashiah who had been kidnapped by Syrian soldiers in 1966. On that occasion, the Syrian authorities had denied all knowledge of the incident. However, at the end of the hostilities in June 1967, Israeli authorities had found documents in the Syrian army headquarters in Quneitra which proved that Jacob Mashiah had been detained and interrogated there and that the report of his interrogation had been sent to the Ministry of Defence. Evidence had also been found that orders had been given to deny the presence of Mashiah to the representatives of the ICRC. Subsequently, during the negotiations for the exchange of prisoners of war, the name of Jacob Mashiah had been mentioned and the Syrians had again denied any knowledge of him. It was only when the documents which had been found at Quneitra were presented in the negotiations that the Syrians had admitted that Jacob Mashiah had been in Syria and had died there in October 1966, approximately three weeks after his kidnapping. So much for Syrian credibility.

28. In the film on Quneitra, a number of persons were shown in an attempt to implicate Israel. There was a German military expert who said that he had found Israeli explosives. However, there was nothing to prevent the Syrians themselves from using fragments of Israeli explosives. There was also an old lady whose statements seemed to connect Israel with the destruction of Quneitra. It was that same old lady, Mrs. Nassif, who had stated in the report of the Committee for 1974 (A/9817) that there had been no fighting in Quneitra (para. 173) and that the devastation of Quneitra had taken place during the last few days prior to the withdrawal of the Israeli forces (para. 155 (b)). The obvious conclusion was that she had been told what to say to the Committee. It was on the basis of such evidence that the Syrian delegation sought to establish its case against Israel.

29. The Syrian Government had stated that it wanted the return of the town of Quneitra so that its population could return to it, knowing perfectly well that the town had been destroyed during the fighting and that it would have to be rebuilt. However, the Syrian authorities had decided to turn Quneitra into an instrument of propaganda against Israel. Obviously, the Special Committee had prejudged the issue from the beginning and had immediately accepted the Syrian position. Now that a detailed expert report was available, the Syrians and their supporters, including the Special Committee, were exploiting it as proof of Israeli guilt. However, there was not a single indication in that expert report that the deliberate damage to Quneitra had been caused by Israel.

30. In its statement at the 19th meeting of the Committee his delegation had said that it had not had time to study that report and that consequently it wished to reserve its position on it. With that reservation in mind, and having perused the report, he said that it was quite clear that there was nothing in the report to substantiate Syrian allegations concerning the deliberate destruction of Quneitra by Israel. If only 39 out of 4,000 houses had been destroyed, as stated in the report, why had the observers who had come to Quneitra over the years had the impression that the town had been destroyed? He reiterated that, in the matter of Quneitra, the Syrian accusation was completely false and Israel rejected it categorically.

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31. A number of speakers had voiced their concern at the situation regarding the holy places in the areas administered by Israel, and, in particular, the Ibrahimi Mosque in Hebron. It would appear that none of those speakers had taken the trouble to consider both sides of the issue. For them, the Jewish people had no standing whatsoever in respect of Hebron and the Tomb of the Patriarchs. They conveniently ignored the fact that it had been a holy place for the Jewish people long before any of the other monotheistic religions existed. The Cave of Machpela housed the tombs of the early Jewish patriarchs, Abraham, Isaac and Jacob and their respective wives Sarah, Rebekah and Lea. The story of the acquisition of the land and the Tomb of Abraham was told in chapter 23 of the Book of Genesis. It was a matter of historical fact that for 4,000 years the Tomb in Hebron had been a Jewish holy place and that the Jews had lived in Hebron and prayed there for most of that period. The enjoyment of that right had been brutally interrupted in 1929 when the Jewish population of Hebron, which, for centuries, had lived in friendship with their Arab neighbours, had been put to the knife by those same neighbours, incited by hate stories spread by the notorious Mufti of Jerusalem. Sixty-eight Jewish men, women and children had been butchered in Hebron, 56 more had been mutilated or otherwise injured, and the rest had been forced to flee the city. For 19 years, from 1948 to 1967, the Jordanian authorities had completely forbidden access by Jews to the Tomb of the Patriarchs. Similarly, the Jordanians, in violation of their undertaking in the Armistice Agreement of 1949, had denied Jews access to the holiest of Jewish shrines, the Western Wall in Jerusalem. Moreover, the Jordanian troops had deliberately destroyed 34 out of 35 synagogues in addition to other Jewish centres of worship in the Old City of Jerusalem. The Jordanian authorities had desecrated the ancient Jewish cemetery on the Mount of Olives which dated back to biblical times, used the tombstones to construct army camps and built roads across the historic Mount of Olives, sanctified in Jewish and Christian tradition. Lest it be said that the destruction of Jewish places of worship had taken place in the course of the fighting, the commander of the Jordanian forces that seized the Old City in 1948 had written in his memoirs that at a given time, "the operations of calculated destruction were set in motion".

32. Since 1967, Israel had given complete freedom of access to all religious denominations concerned to their holy sites in the Holy Land. In his statement to the Committee on 28 November 1975, he had quoted a number of testimonials by religious leaders of all States, including Moslem dignataries, concerning the respect shown by Israel to other religions. Moreover, on 12 November 1976, the official Vatican publication, Osservatore Romano had published an article praising the present situation of the Christian community in Jerusalem compared with their conditions before 1967.

33. With regard to Hebron, all the Moslem leaders concerned, as well as the leaders of the Supreme Moslem Council in Jerusalem, had confirmed that no damage had been caused and that no changes had been made. On 4 November 1976, the Permanent Representative of Israel had made a detailed statement on the matter in the Security Council (S/PV.1967, pp. 9-18). Similarly, documents A/31/235 (annex 1), A/31/303 and A/31/307 contained a full account of the historical facts and the present situation concerning Hebron.

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34. It was unfortunate that in United Nations bodies, irresponsible statements were routinely made by various spokesmen on delicate matters such as religious interrelations that could only exacerbate passions instead of contributing to the attainment of a peaceful settlement. The same applied to the content of the resolutions adopted at the end of debates. Year after year, resolutions were adopted on the issue of the Arab-Israeli conflict without the slightest regard for the facts, truth or merits of the matter. Those resolutions only served to prolong the dispute instead of resolving it and to obfuscate the truth instead of highlighting it. The same thing would probably occur at the end of the present debate.

35. Mr. DJIGO (Senegal) said that in submitting the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/31/218), Mr. Mbaye had underlined the concern of the members of the Committee to ensure objectivity in the preparation of the report. He had done so not only to dispel Israeli suspicions but also in order to emphasize the independence of the members of the Special Committee who, although nationals of countries which did not have relations with Israel, were guided by their consciences and convictions in their activities on behalf of the Special Committee. In the case of Senegal, he said that the discussions which had taken place in Geneva between President Senghor and the Prime Minister of Israel were proof of Senegal's interest in finding a just solution which would take account of the interests of all parties.

35a. Referring to the remarks made on 10 November 1976 by the representative of Israel concerning certain aspects of the report of the Special Committee, he pointed out that the task of the Committee was to record violations of human rights wherever they were committed in the occupied territories and not to submit an apologia for the occupation. The mandate assigned to it by the General Assembly clearly stated the purpose of its mission, namely to investigate Israeli practices affecting the human rights of the population of the occupied territories.

36. In preparing its report, the Special Committee had adhered strictly to that mandate and had collected all available evidence. However, its constant concern to confine itself to the mission entrusted to it had not saved it from the criticism of the representative of Israel who had begun by accusing the Committee of deliberate partiality against Israel. If as it claimed, Israel did not violate human rights in the occupied territories, doubts could easily be dispelled by giving the Special Committee the opportunity to investigate that claim.

37. He wished to draw attention to some omissions in the statement of the Israeli representative which were due surely to a lack of arguments to refute the truth which constituted the very essence of the report. An analysis of that statement would reveal to what extent he had refrained from commenting on all the chapters which confirmed the existence of his country's policy of annexation and settlement in the occupied territories. In referring to paragraphs 25 to 75 of the report, the representative of Israel had not mentioned the statements made by some of his country's leaders including the Prime Minister and the Defense Minister. He had also refrained from commenting on the chapter of the report in which a detailed

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description was given of the mass manifestations that had taken place during the year and the repressive measures adopted by the Government of Israel to put an end to certain incidents which had occurred regularly. But the most significant fact was his silence with respect of the report's conclusions, in which the Special Committee analysed all the data at its disposal concerning Israel's policy of annexation and settlement, its treatment of civilian detainees and the effects of its prolonged occupation of the territories.

38. Consequently, the representative of Israel had avoided referring to the very substance of the report. For his part, he wished to clarify certain ambiguous points which the Israeli representative had sought to perpetuate. He recalled that in referring to the report of the ICRC, Mr. Mbaye had said that when the Special Committee had requested Egypt and Israel to accept the establishment of joint commissions of inquiry, under the provisions of the Geneva Convention of 12 August 1969, Egypt had unreservedly accepted after three months whereas Israel had taken seven months and limited the scope of the commission to complaints concerning alleged violations under the Third Convention relating to prisoners of war. Furthermore, Israel had not expressly accepted the applicability of the Fourth Geneva Convention in the occupied territories. From a juridical point of view, its position was not defensible (A/SPC/31/PV.17). It was clear from the ICRC's report that it was the ICRC itself which stated that Israel had been opposed to the establishment of those commissions following the 1967 Yom Kippur War. How could it be thought that by mentioning that fact the Special Committee was seeking ways of praising the position of Egypt, which had accepted the establishment of those commissions?

39. The Special Committee had not only tried to demonstrate the applicability of the Fourth Geneva Convention in the occupied territories but had also maintained that the provisions of the Convention constituted the main regulations governing the conduct of the military authorities and that any law which was contrary to its provisions was invalid and could not be defended legally. The representative of Israel had stated that the Defense (Emergency) Regulations, 1945, were applicable in Israel and in the occupied territories. In that respect, the Senegalese delegation drew attention to the letter addressed to the Special Committee by the Government of Jordan stating that the provisions of those regulations had been abrogated by an act promulgated on 18 May 1948. The Special Committee had pointed out that those regulations could not be construed as enacted in the occupied territories nor could they be deemed to be in conformity with the provisions of the Geneva Convention, since they contained provisions which were at variance with several principles of humanitarian law, principles which had been almost universally accepted and recognized in international law and incorporated in the constitutions of most States. Therefore, it could be considered that the Defense Regulations were invalid and that any act perpetrated under its provisions constituted an abuse of authority. Furthermore, the Special Committee considered that a law was invalid if it violated the provisions of the Geneva Convention. The exceptions which could be made to the Fourth Geneva Convention for reasons of security were limited strictly by that Convention. The Special Committee believed

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that in the majority of cases referred to it, the plea of security was not valid.

40. With regard to the annexation of the occupied territories, article 47 of the Fourth Geneva Convention expressly prohibited the annexation of all or part of the territories occupied by an occupying Power; article 49 prohibited the relocation or evacuation of protected persons in the occupied territories and the relocation of part of the population of the occupying Power to the occupied territories. In that context, the policy followed so far by the Government of Israel in the occupied territories, which had consisted in the annexation of several regions, the expropriation of others, the creation of settlements and the relocation to them of Israeli citizens constituted a flagrant violation of the Geneva Convention. The policy of annexation and colonization was not a fabrication on the part of the Special Committee; the statements expressly made in that respect and the protest manifestations were a clear demonstration of its existence. It was not a question of "a few manifestations", as the representative of Israel had maintained, since between November 1975 and October 1976 civilian manifestations had taken place almost constantly in the occupied territories and had been characterized by disorders and violence of all kinds, which had provoked a series of measures such as the imposition of a curfew, collective punishment and detention. The report had merely confined itself to describing those events.

41. The attempt by the Israeli representative to justify the practice of demolishing the houses of persons suspected of security offences was unacceptable. The Convention prohibited the demolition of property and permitted exceptions only in the case of military necessity. There was no doubt that in the case of the occupied territories, it was a form of reprisals or collective punishment applied by the occupation authorities.

42. The Israeli representative considered that the Special Committee had quoted press articles incompletely and partially. The Special Committee would have supplied the complete text of each article referred to in the report if its aim had been to describe in greater detail the situation of the civilians who were the true victims of those incidents. The Special Committee's aim had been to demonstrate that incidents occurred regularly and that they gave rise to acts of repression, a situation which revealed at the very least that the Israeli authorities were not in a position to ensure the well being and security of the civilian population, as was mentioned in the Convention and in all the declarations and resolutions of the United Nations on the subject.

43. Could the Special Committee be accused of engaging in anti-Israeli propaganda because it gave an account of the facts which had been determined in the course of its investigation? The Special Committee had included evidence in its report only after having examined it very carefully and having reached the conclusion that it would be very difficult to contest.

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44. With regard to Mrs. Langer, the Special Committee would have wished to be able to hear all the other lawyers who had defended the Palestinians and the Israelis accused of security offences. To the best of the Special Committee's knowledge, Mrs. Langer had been the only lawyer to have dealt regularly with those cases since the very first days of the occupation and had been the person with the greatest experience in that respect. For those reasons, the Special Committee had taken the exceptional decision, for the first time since its establishment, to invite her to appear before it. Mrs. Langer's testimony constituted an important step by the Special Committee in its efforts to ascertain the truth regarding the treatment of detainees. The Special Committee could not be accused of easily accepting hysterical accusations because it had always proceeded with the greatest care and its major concern had been to establish irrefutable proof. In many cases, Mrs. Langer's testimony had merely confirmed the information already available to the Special Committee, enabling it to reach the conclusions contained in paragraphs 342 to 352 of its report.

45. The Special Committee's concern was based on very clear indications and it therefore requested the members of the Special Political Committee, including the delegation of Israel, to combine their efforts in order to put an end to such practices, wherever they might exist. What was contested was the use of force. Perhaps paragraph 351 reflected undue caution on the part of the Special Committee in the face of such convincing proof. In that case, the Special Committee could not be accused of accepting all the accusations made against Israel.

46. With regard to the procedures and practices applied to the detainees, he pointed out that according to articles in the Israeli press and other sources of information, in many cases persons were detained for several months before being brought to trial. The Special Committee had dealt with that question in its fifth report; moreover, there was proof of the ill-treatment of detainees, even though it was true that the official found guilty of the death of Mr. Dadhoul had been sentenced to two years' imprisonment and demotion.

47. Mrs. Langer, who had appeared before the Special Committee on 28 July 1976, had not been able to know about the events which had taken place on 31 August 1976. In that regard, it would perhaps be interesting to know the results of the trial of the other soldier accused of the death of Mina Nabulsi.

48. With regard to Quneitra, the figure of 4,088 houses deliberately destroyed was the final figure given in the report. As to the comment that the number of houses destroyed during the hostilities was too small, the Special Committee would say simply that that figure had been the result of a careful examination of each ruin. Moreover, the Israeli representative had only referred to reports that the city had been already destroyed during the occupation, a situation which could not alter in any way the results of the investigation.

49. The report of the Special Committee had adhered scrupulously to the terms of its mandate, namely to investigate the policies and practices affecting the human rights of the population of the occupied territories, and not of other places. It

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could not be said that the Special Committee's report was an instrument of propaganda against Israel; the Special Committee had merely presented the results of an investigation which reflected the facts, a reality of which Israel itself was aware.

50. The solution to the problem of the Middle East lay essentially in the creation of a Palestinian state which coexisted with Israel in the territory of old Palestine and the problem would continue to exist until that fundamental truth was accepted. He recalled the statement by Mr. Mbaye that every day that passed crystallized the bitterness, thus compromising the future co-operation among all the inhabitants of the Middle East. Nevertheless, it was the Special Committee's belief that in the very near future that co-operation would be established and would prevail over the considerations which had so far prevented the establishment of a true peace in the region.

51. Mr. SIBAHI (Syrian Arab Republic) reserved the right to reply to the tendentious statement of the representative of Israel, who had tried once again to distort the truth. He therefore asked that he should be given the floor at the beginning of the next meeting.

52. The CHAIRMAN said that there were three other delegations which wished to exercise their right of reply and he also asked them to agree to speak at the beginning of the next meeting.

53. He informed the Committee that two other draft resolutions had been submitted, which would be issued as documents A/SPC/31/L.11 and L.12. As the Committee could not, in accordance with rule 153 of the rules of procedure, vote on those draft resolutions until it had had an opportunity of considering the financial implications, he suggested that the next meeting should be devoted to the examination of those draft resolutions.

The meeting rose at 1.15 p.m.