

985th meeting

Wednesday, 26 November 1975, at 3.25 p.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.985

AGENDA ITEM 52

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10074, A/10128, A/10163-S/11780, A/10164-S/11784, A/10174-S/11797, A/10178-S/11799, A/10204-S/11809, A/10272, A/10286, A/10370)

GENERAL DEBATE

1. Mr. AMERASINGHE (Sri Lanka), speaking as the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, introduced the Special Committee's report (A/10272) and referred to the genesis of the four Geneva Conventions of 1949,¹ especially the fourth, the Geneva Convention relative to the Protection of Civilian Persons in Time of War.² Those Conventions had been the product of the reaction of mankind to the excesses committed during the Nazi occupation in the Second World War, and it was therefore a matter of tragic irony that the first country whose conduct as an occupying Power should have come under investigation after the adoption of those Conventions was precisely Israel, whose co-religionists had been the victims of the régime of violence under that occupation. Moreover, he wished to state quite clearly that he did not in the least presume to compare the Israeli occupation with the Nazi occupation during the Second World War.

2. The fourth Geneva Convention was based on two assumptions: the first being that the occupation would be only temporary and the second, that there would be the least possible interference by the occupying Power with the life and customs of the occupied country. Unfortunately, the first of those assumptions had not been justified in the case of Israel, since the occupation of the Arab territories had already lasted for eight years.

3. He did not intend to go into detail regarding the presentation and content of the report—which spoke for itself—but stressed that the Special Committee had performed its task dispassionately and had not allowed itself to be distracted by emotional considerations. The report was based on facts and facts alone, and he challenged anyone to point to a single statement in it that could be described as a figment of the imagination. Secondly, it was based largely on information from Israeli sources, especially descriptions of facts and policy declarations by members of the Israeli Cabinet, as published in the Israeli press, and it described the situation prevailing in the occupied territories, particu-

larly as it affected the civilian population. He therefore felt that the report should be considered as an accurate and true document, and that there was no justification for the criticisms of those who had offered no co-operation to the Special Committee and had not allowed its members to see for themselves on the spot whether the Israeli press had misrepresented the policy and practices of the Government of Israel in the occupied territories.

4. When dealing with violations of human rights, it was facts alone which counted; consequently, he was not interested in the legal quibbling of those who questioned the work of the Special Committee because of its composition. Moreover, he could understand the reaction and criticisms of the Government of Israel, but not those of countries that claimed to be champions of human rights and spoke of amnesty for political prisoners and condemned atrocities committed elsewhere. It should be noted that the Special Committee did not say that atrocities were being committed in the occupied territories. It had deliberately avoided arriving at any finding on allegations of torture, because such allegations were very difficult to establish unless supported by reputable direct evidence or medical reports. The Special Committee had concentrated on aspects of the occupation that were much more serious, namely, acts and policies tending to make the occupation permanent and alter the geographic character and demographic composition of the population, such as the settlements being established in violation of the provisions of international law prohibiting such practices. The Special Committee was especially concerned about the plans for the establishment of new settlements near Jerusalem, application of a similar policy of annexation and settlement in the Gaza strip, the Golan heights, the west bank and Sinai, and the destruction of towns, as in the case of Quneitra (*ibid.*, paras. 167-171), which had been deliberately destroyed by Israeli forces before they withdrew in accordance with the Agreement on Disengagement between Israeli and Syrian Forces.³ He could not accept that the exactitude and objectivity of the report with regard to Israeli settlements, the demolition of houses, and mass arrests as measures of reprisal should be questioned. That information had been confirmed by the annual report of the International Committee of the Red Cross (ICRC)⁴ and by articles in the Israeli press.

5. He wished to draw the attention of the Special Political Committee to two matters. First, it had not been possible to complete the survey requested in General Assembly resolution 3240 C (XXIX) in time for the Special Com-

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

² *Ibid.*, No. 973, p. 287.

³ *Official Records of the Security Council, Twenty-ninth Year, Supplement for April, May and June 1974*, document S/11302/Add.1, annex I.

⁴ *Annual Report 1974* (Geneva, International Committee of the Red Cross, 1975).

mittee to submit a complete report on Quneitra to the General Assembly at its thirtieth session, because the Special Committee had been unable to find the expert assistance needed to deal with so serious a question (*ibid.*, paras. 171 and 187). The Special Committee would complete that task in the near future. Secondly, if the mandate of the Special Committee was renewed it would be necessary to strengthen the staff which serviced it. Despite the efficiency and diligence of the staff of the Division of Human Rights, it was obvious that as the volume of work increased the staff would have to be strengthened.

6. The Special Committee offered no apology or excuse for having discharged what it considered to be its duty. At no time had the work of the Special Committee been aimed at harassing the Government of Israel. The Special Committee had confined itself to performing the task entrusted to it, especially with regard to violations of the Geneva Convention affecting the welfare of the population of the occupied territories. It had been said on various occasions that the Arab population was happier under Israeli rule than it had been under Arab rule, but he himself believed that happiness was no substitute for freedom.

7. Mr. AL-SAYEGH (Kuwait), speaking on a point of order, requested that the statement by Mr. Amerasinghe be reproduced in full. Secondly, supported by Mr. ZAHAWIE (Iraq), he moved that the debate be suspended so that the film mentioned in the report could be shown.

8. The CHAIRMAN recalled that the General Assembly at its 2353rd plenary meeting had again authorized the Special Political Committee to request verbatim transcripts of some of its meetings or portions thereof. If there was no objection, he would take it that the Committee agreed that the statement by Mr. Amerasinghe should be transcribed in full.

It was so decided.⁵

9. Mr. DORON (Israel) observed that he was the next speaker on the list, and said he was opposed to his statement being deferred until the debate was resumed.

10. The CHAIRMAN put to the vote the Kuwaiti representative's motion to suspend the debate so that the film could be shown immediately.

The motion was adopted.

The meeting was suspended at 4.05 p.m. and resumed at 5.15 p.m.

11. Mr. DORON (Israel) said that the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had been established by the General Assembly by a unilateral resolution and had been set up under irregular procedures of doubtful legality. Its members represented countries that had no diplomatic relations with Israel and had always voted against Israel and had not hesitated from the outset to express their preconceived ideas about Israel.

⁵ The full text of the statement was subsequently circulated as document A/SPC/PV.985.

12. In a 48-page statement delivered the previous year (928th meeting), Israel had shown up case by case the way in which the Special Committee's report⁶ had misrepresented the truth. Nevertheless, encouraged by the resolutions automatically adopted the previous year, the Special Committee had produced another report (A/10272) which was no more reliable than the preceding ones. Consequently, he had no alternative but to invite the Special Political Committee to take a close look again at what was said in the report and what was omitted from it. It was of course impossible in such a limited statement to examine each allegation and, if his delegation did not mention any particular point, that did not mean that it agreed or had nothing to say on the subject.

13. Paragraph 27 (a) of the report (*ibid.*) contained the assertion that one of the unchanged aspects of the occupation was the measures of economic exploitation, in particular the use of the labour force of the occupied territories as a source of cheap labour within Israel. Anyone who had been acquainted with the conditions obtaining on the west bank and in the Gaza area before 1967 would be impressed by the improvements, or rather the transformation, which had occurred there in every sphere of life. Unemployment, which had been rampant, had virtually disappeared. The gross national product had increased in both areas at an annual rate of 18 per cent; *per capita* income had increased in eight years by 80 per cent on the west bank and by 120 per cent in the Gaza strip. Agricultural output had increased by an annual average of 12 per cent as a result of the introduction of better farming methods and the use of modern techniques, due partly to Israel's aid in field instruction. All those were Israeli "practices" which were not mentioned in any way in the report, although the relevant information was available from those same sources that the Special Committee used to denigrate Israel. Private disposable income had tripled between 1968 and 1972 and had continued to increase. Private *per capita* income had also risen at an annual rate of 12 per cent and the quality of the "average food basket" had improved in respect of protein content and other nutritive ingredients. *Per capita* consumption on the west bank had been larger in 1973 than the forecast made by FAO for 1985 for all of Jordan. The area under construction on the west bank and Gaza had increased from 88,000 square metres in 1968 to 690,000 square metres in 1974. The number of motor vehicles, refrigerators and television sets had also increased.

14. With regard to the so-called "source of cheap labour", certain facts should be noted. Arab workers from the areas administered by Israel received wages identical to those of Israeli workers with the same qualifications. They were entitled to the same social benefits in accordance with the relevant laws and collective labour agreements, but were exempt from the financial liabilities of workers resident in Israel. Arab workers had mutual insurance, insurance against work accidents, paid vacations and sick leave, severance pay and all other benefits enjoyed by Israeli workers. Arab workers who were employed in Israel through the labour exchanges of the Israeli Employment Service and who received their wages through those exchanges were statutorily protected. They were also

⁶ Document A/9817 of 4 November 1974.

protected, within the compass of collective work agreements, by the Israel General Federation of Labour. In addition, Israel fulfilled all the requirements of the relevant conventions of the ILO.

15. Although that situation was the general rule, there were some cases of unorganized employment of Arabs in Israel. In those cases, the workers concerned were in the same position as some Jewish workers who, for reasons of their own, had remained outside the regular organization of labour.

16. The workers within the areas were organized in their own trade unions there. Neither the military authorities nor the General Federation of Labour interfered in the unions' activities.

17. It was alleged in paragraph 27 (b) that prison conditions had worsened. Since that allegation was repeated automatically in every report of the Special Committee, he wished to place the relevant facts on record. Arabs from the areas were imprisoned under the same conditions as Israeli prisoners. Security prisoners were lodged separately from ordinary criminals, but in the same conditions. Following imprisonment, particulars of each security prisoner were sent to ICRC, whose representatives were able to visit prisoners and talk with them without witnesses. Many prisoners studied during their term. In addition, they received visits from their families, were allowed to write letters and were free to practise their religion.

18. All those facts had been confirmed time and again by various responsible and competent visitors, such as the Chairman of the International League for the Rights of Man and various Arab notables.

19. Paragraph 27 (d) demonstrated again that the Special Committee relied on its own earlier reports to corroborate its unwarranted allegations. The Special Committee should know that the 1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflict,⁷ did not prohibit archeological excavations and that there could therefore be no violation of the Convention, as alleged in that paragraph.

20. The Special Committee claimed that there was a continued policy of annexation and settlement, and based that assertion on a string of brief, contradictory and incomplete quotations from Israeli newspapers. They were contradictory, because a rapid reading revealed that many of them referred to the same item, but contradicted each other on important details; they were incomplete because they stopped short before the end of the article from which they were taken. The reader of the report could not become aware of those manipulations unless he obtained the complete newspaper. For example, paragraph 46 of the report stated that 1,530 families had been evacuated since 1972, but omitted to say that the Israeli authorities had spent 20 million Israel pounds on the resettlement of those people, or that their leaders and spokesmen had expressed their thanks and desire to co-operate. Paragraph 62 contained mention of a complaint by the inhabitants of a

village in the northern Golan heights, but the quotation omitted the significant fact that the villagers had not simply made a complaint but had instituted proceedings in the Supreme Court of Israel against the expropriation of part of their land for a nature reserve. Before 1967, such persons would not have been able to petition any court, but they could currently turn to the Supreme Court of Israel and bring actions against the Israeli authorities. That had no precedent in the history of territories administered by another State as a result of an armed conflict.

21. All the assertions in the report regarding an alleged policy of annexation and settlement by Israel were completely *ultra vires* as regards the mandate of the Special Committee. All the allegations, insinuations and conclusions of the Special Committee on that matter were as baseless and misleading as those contained in its previous reports.

22. He had already explained at the twenty-eighth session (881st and 890th meetings) the true situation concerning Israeli settlements established in the administered areas since 1967. In the first place, there were no sinister designs, as insinuated by the Special Committee; the settlements were of great importance as part of Israel's defence network, as had been proved by recent events; the number of Israelis living in the settlements represented approximately 0.3 per cent of the population of the areas, so that all allegations of physical, geographical and demographic changes were obviously ludicrous; Israel hoped for peace, and in that expectation it had refrained from changing the political and juridical status of the administered territories and thus all the suspicions and conclusions of the Special Committee were totally unfounded and outside its mandate.

23. With regard to chapter IV, section B of the report, he said that it could again be seen how the Special Committee reached its preconceived ideas and then purported to bolster them by means of misleading quotations from Israeli newspapers. Contrary to the impression conveyed by the report, the situation in the administered areas was one of progress and development, and of peaceful contacts between the local population and Israelis. Only a few weeks previously, the population had elected village councils, contrary to the desires and notwithstanding the threats of the Palestine Liberation Organization. In the statement made by his delegation at the 979th meeting of the Committee, a detailed description had already been given of the situation in the administered territories. Incidents which occurred were the result of the subversive activities of terror agents.

24. The approach of the Special Committee to the cases of Dr. Hanna Nasir, of Bir Zeit College, Mr. Toubassi, member of the Ramallah municipal council, and Mr. Mustafa Milhem, Mayor of Halhul, was typical, since it assumed that those men were completely innocent and that their deportation was totally unjustified. In fact, they had been engaged in unlawful activities and their deportation had simply meant that they were being returned to the people for whom they had been acting as agents of subversion.

25. As for the quotations from the Israeli press cited in the report of the Special Committee in support of its thesis

⁷ United Nations, *Treaty Series*, vol. 249, No. 3511, p. 215.

that there had been mass arrests, he read out various press articles which had been cited, in order to show that only parts of those articles had been quoted in the report of the Special Committee while others which would have clarified the situation had been omitted. It sufficed to say that the Special Committee had not found it necessary to quote the part of those articles in which it was explained why certain persons had been arrested, and failed to mention that the authorities quickly released the majority of the suspects detained and those against whom there was not sufficient evidence.

26. In chapter IV, section C, of its report, the Special Committee used the same technique of distorting the facts and in section D, entitled "Other allegations", it had taken it upon itself to justify Arab allegations concerning the Ibrahimi Mosque in Hebron. In that connexion, he pointed out that at the twenty-eighth session (890th meeting) his delegation had set out the relevant facts and had stated, *inter alia*, that from time immemorial Jews had resided in Hebron where they had venerated the Holy Cave of Machpela until, in 1929, 68 Jews had been brutally murdered by their Arab neighbours, while others had been wounded and the rest had been forced to flee. At the same meeting, his delegation had further explained that the resumption by the Jews of prayer in a place which was holy to them did not interfere with the right of the Moslems to worship in the same place. Once again, however, the Special Committee had arrogated to itself the right—a right which it did not have—to express its opinion with regard to the measures adopted by the Israeli authorities and had declared that they contravened article 27 of the fourth Geneva Convention. The Israeli Government held that that Convention did not apply in the administered areas for a number of legal reasons and it reserved its position on the matter. In any event, the conclusion reached by the Special Committee in paragraph 182 of its report was completely wrong and was not based on any valid reason. Although the Special Committee stated in paragraph 161 that it had taken note of the letter from the Permanent Representative of Israel addressed to the Secretary-General (A/10204-S/11809), in which all the relevant facts were set out, it did not appear to have taken very much account of it and had again reached a preposterous conclusion.

27. The second allegation dealt with in section D was that of ill-treatment of detainees and the conclusions of the Special Committee in that respect appeared in paragraphs 183 to 185. The manner in which the Special Committee dealt with that subject was a good example of its tortuous way of thinking. For example, in paragraph 183 the Special Committee stated that it had been unable, as in previous years, to reach a conclusive finding, but it went on to say that interrogation procedures very frequently involved physical violence, and in paragraph 185, it stated that a *prima facie* case of ill-treatment had been established in the case of Mrs. El-Hawari and that it based its conclusion on the corroboration of two witnesses who had appeared before the Special Committee in 1970. He found it hard to understand how evidence given in 1970 could corroborate a complaint made in 1975 and he therefore explained to the Special Political Committee the case of Mrs. El-Hawari, who, after having pleaded guilty to some of the charges against her—because the proof was overwhelming—had been found guilty and sentenced to 10 years' imprisonment. As

she had been sick, she had received medical treatment in prison until she had submitted a petition asking to be sent to Jordan. Her petition had been granted and when she had arrived in Jordan she had spoken for the first time of the alleged ill-treatment to which she had been subjected during her detention in Israel, when for the five years during which she had been under treatment in Israel she had had only words of praise for her doctors. What had happened in the case of Mrs. El-Hawari was a repetition of the notorious case of Mohamed Derbaz.

28. Continuing to deal with the question of ill-treatment, the Special Committee, in paragraphs 165 and 166 of its report, mentioned other cases, all incorrect; in one of those cases the Israeli authorities had not even known of the existence of one of the people referred to, and in others the figures quoted were totally incorrect.

29. In chapter V, entitled "Quneitra", the Special Committee took note of an anti-Israeli article appearing in a newspaper published in Ontario, Canada, on 26 November 1974 (see para. 168). It could, however, have taken note of other articles published by *The Washington Post* or *The Times* of London, which were much better known newspapers and which expressed a view contrary to that quoted by the Committee. But why should the Special Committee mention anything that looked favourable to Israel? As for chapter VI, entitled "Conclusions", he did not think there was any need for him to go into details since he had already covered most of the ground.

30. There were, however, a few points which he would like to touch on, for example, the report of the destruction of houses, on which the Special Committee quoted from the annual report of ICRC, which apparently held that such destructions were contrary to the provisions of articles 33 and 53 of the fourth Geneva Convention. In his delegation's view, the measures taken by the Israeli authorities in that respect were permitted by the reservation appearing in article 53 of the Convention and, in that connexion, he referred to the Commentary published by ICRC on the fourth Geneva Convention.⁸ In that case, too, however, it was obvious that, although the Special Committee had had the ICRC report in its hands, it had decided to overlook some very important points in that report. For example, it did not appear to have read that ICRC delegates had been allowed to speak with detainees without witnesses being present, that it was noted that the Israeli authorities complied to a large extent with ICRC recommendations, or that a medical mission had made a survey of the measures adopted by the health services of the occupation authorities to counter the shortage of medical personnel and the deterioration of equipment and hospitals. It had not even taken note of the fact that the ICRC report stated that the Israeli Government had communicated its views to ICRC and had agreed that a further visit by ICRC would take place in 1975.

31. In view of the foregoing, he wondered whether the lack of interest displayed by the Special Committee was

⁸ Jean S. Pictet, ed., *The Geneva Conventions of 12 August 1949: Commentary, IV, Geneva Convention relative to the Protection of Civilian Persons in Time of War* (Geneva, International Committee of the Red Cross, 1958).

due to the very obvious fact that it was interested solely and exclusively in anything that appeared, or could be made to appear, to denigrate Israel. But the Special Committee had not confined itself to that; it had taken the liberty of expressing its views on cases which were not within its competence. He did not therefore consider that there was any need to enter into any kind of legal or other discussion and would merely categorically reject all the allegations and conclusions of the Special Committee concerning such matters.

32. He believed that at least some of those present would agree with him that the current report of the Special Committee was as unreliable as its previous reports, since the Committee had been guided by preconceived ideas, had demonstrated a total lack of objectivity and had shown itself determined to present the Israeli authorities in the most negative way possible. He did not therefore intend to speak again on the item under consideration, unless he considered it necessary to do so.

33. Mr. AL-SAYEGH (Kuwait), speaking in exercise of the right of reply, said that at the proper time he would make a statement referring to the evidence submitted by the Special Committee, but he wished to ask two or three questions.

34. First, in the light of what had been said about Quneitra, he would like the representative of Israel to explain what his Prime Minister had meant when he had said, according to *The New York Times* of 6 October 1975, that, in implementing the agreement with Egypt, Israel would have to pass two tests: the first would be to ensure the smooth transfer of the oilfields to Egypt, and the

second would be to try to ensure that there was not another Quneitra.

35. Secondly, in the light of the constant denial by the representative of Israel that Israel was pursuing a policy of annexation, it seemed to him that in most countries it was the relevant governmental institutions which decided government policy and not the delegations to the United Nations. Consequently, if the statements by the representative of Israel contradicted the statements of the governmental authorities, and were contradicted by the latter, he felt that there was a conflict of constitutional competence or credibility.

36. He cited statements by members of the Israeli Cabinet, reported in the foreign edition of the *Jerusalem Post* of 25 February 1975 and in *Israel Digest* of 28 February 1975, which left no room for doubt that the policy of the Israeli Government was to maintain the settlements in the Golan heights. He also cited statements by Mr. Rabin to the effect that Israel would insist on a permanent presence in Sinai and would never withdraw from the Golan heights. He also mentioned the Allon Plan, which involved the establishment of settlements in the occupied territories along the banks of the Jordan, and other statements by high-level government officials reported in *The Christian Science Monitor*. He asked whether one should believe the representatives of the Israeli Government who denied that Israel was applying a policy of annexation, or the Ministers of that Government who asserted that such a policy existed. He reserved the right to continue his reply at the following meeting.

The meeting rose at 6.30 p.m.

986th meeting

Friday, 28 November 1975, at 10.50 a.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.986

AGENDA ITEM 52

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (continued) (A/10074, A/10128, A/10163-S/11780, A/10164-S/11784, A/10174-S/11797, A/10178-S/11799, A/10204-S/11809, A/10272, A/10286, A/10370)

GENERAL DEBATE (continued)

1. Mr. SHARAF (Jordan) said that the item under discussion was another aspect of the question of Palestine which had emerged when Israel had succeeded in forcibly expelling hundreds of thousands of Palestinians from their homeland in 1947 and 1948. Since 1967, Israel had been engaged in a plan aimed at altering fundamentally the physical character and identity of the territories it had occupied in that year and was still holding. The plan

entailed a process of suffocation and piecemeal absorption in which the Zionist principle was carried to its logical conclusion. Nowhere had Zionism demonstrated its racist policies more ruthlessly than in its dealings with the people and lands which were its main victims. Its practices in the occupied territories were a continuation of the policies which had led to the uprooting and dispersal of the Palestinians and they must be more fully understood in the world.

2. As in earlier years, the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272) was factual and comprehensive, within the limitations imposed by Israel's refusal to allow it to conduct its investigations at first hand. It did not detract from the dignity of the Special Committee that Israeli spokesmen had subjected it to continuous vilification and slander; anyone who criticized Israel's policies could expect such treatment.