



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/1988/SR.3  
9 February 1988

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 3 February 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

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The meeting was called to order at 10.40 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. Mr. BIGGAR (Ireland) said he regretted that agenda items 5 and 12 (b), the most important items on the Commission's agenda, had not been scheduled in the timetable for consideration earlier in the Commission's session. It was to be hoped that adequate time would be allotted to them and that they would not be taken up any later than the dates indicated. To that end, judicious use should be made of night meetings so as not to fall behind schedule. As in previous years, votes should be held as early as possible on the items considered first.

2. The CHAIRMAN said he was aware of the importance of items 5 and 12 (b) and would do his best to ensure that the discussions of those items would begin on time.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1988/3, 4 and 5; E/CN.4/1988/NGO/1; A/42/650; A/RES/42/160 A to G; S/19443)

3. Mr. SUKUL (India) said that recent events in the occupied Arab territories, including Palestine, had served only to underscore the inability of the United Nations adequately to address a vital question that had been on its agenda for over four decades. Despite repeated condemnations, the Israeli Government had persisted in its self-defeating policy of stifling by sheer force, the legitimate aspirations of the Palestinian people.

4. The Israeli occupation constituted a grave violation of the human rights of the civilian population and had led to a whole range of other illegal acts. Over the years, Israel had continued its efforts to destroy the very basis of the physical existence of the people in the occupied territories. The latest report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/42/650) documented a whole series of human-rights violations. It was particularly disquieting that the brutality displayed constitute a part of a deliberate plan by the occupation authorities.

5. Jawaharlal Nehru had long ago cautioned that the violent imposition of a solution to the Palestinian question would never lead to a permanent settlement. Instead, the violence visited upon the people of the occupied territories had created a macabre parallel between their current situation and the persecution of the Jews before the Second World War. It was quite impossible to comprehend how the Government of a nation made up of people who had faced the horrors of the holocaust could, in its turn, inflict similar torment and torture on another people.

6. Since its creation, Israel had continued its territorial expansion, depriving the original Palestinian inhabitants of their fundamental rights, a policy that would not guarantee Israel's security. The States of the region would not be able to live within secure international frontiers until the Palestinians became masters in their own house. There would be no just and durable solution unless Israel withdrew unconditionally from all the territories occupied since 1967, including Jerusalem, and unless the

Palestinian people was able to exercise its inalienable rights, including the right to return and the right to establish an independent Palestinian State in its homeland.

7. The convening of an international peace conference under United Nations auspices, with the particular involvement of the Security Council, would afford the best opportunity for achieving a durable peace, and it was heartening that many of those who had previously opposed the idea had come to realize that it was the best way to a lasting solution. It was to be hoped that the efforts of the Secretary-General to continue a process of discussions with the permanent members of the Security Council and those directly concerned would not be hampered by a negative response from certain quarters.

8. Indira Ghandi, the late Prime Minister of India had looked upon the plight of the Palestinian people as one of the great tragedies of history and had admired its courageous struggle under the leadership of the Palestine Liberation Organization. She had stressed that a movement based on the legitimate aspirations of a people could not be put down by force of arms.

9. In its hour of suffering, the Palestinian people looked for support to the international community and expected the Commission to call upon Israel, the occupying Power, to put an immediate end to all its repressive actions. If a climate conducive to meaningful negotiations was to be created, Israel must comply strictly with the principles of the non-use of force, as embodied in the United Nations Charter. His Government would continue to support the struggle of the Palestinian people to attain its inalienable rights.

10. Mr. MADAR (Somalia) said that the repeated appearance on its agenda of item 4 was a real challenge to the Commission, especially in the light of the recent violence in the Middle East.

11. It was essential to put an end to the historic wrongs committed against the Palestinian people. The explosive situation in the occupied territories had been caused by Israel's repressive policies and its refusal to grant the Palestinians their right to self-determination. Israeli practices in the occupied territories were in flagrant violation of human rights and were a threat to international peace and security. The recent intensification of the brutal occupational policy had resulted in large numbers of innocent victims among the civilian population. Israel refused to comply with a number of United Nations resolutions, particularly Security Council resolutions 607 (1988) and 608 (1988), in blatant disregard of international law. The international community must force Israel to recognize the rights of the Palestinians and must take measures to prevent Israel's continued violation of human rights

12. In a recent written statement, the Minister for Foreign Affairs of his country had expressed his deep concern at the situation in the occupied territories and condemned Israel's attempts to suppress the legitimate aspirations of the Palestinian people. He had hailed the struggle of the Palestinian people to attain its inalienable rights and stressed the need to convene an international peace conference under United Nations auspices with the participation of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people.

13. Mr. KHERAD (Observer for Afghanistan) said that Israel's policies in the occupied territories and the mass violations of human rights taking place there continued to be a source of grave concern. The Special Committee's report provided a lucid and objective account of the situation, which had recently deteriorated still further. Since the beginning of December 1987, the Israeli forces' violent repression of the Palestinian population of the occupied West Bank and Gaza Strip had already caused many casualties among Palestinian civilians including scores of dead and hundreds of injured. In addition, some deportations and several thousand arrests had taken place. As in the past, the object was to crush the resistance of the Palestinian people fighting for the recognition of their legitimate rights and drive them into permanent exile.

14. Israel's policy of annexation, expropriation of land and confiscation of property, destruction of homes and of historical, cultural and religious sites, illegal economic exploitation of the occupied territories' population and natural resources, and establishment of new Israeli settlements had been systematically maintained over the years. Measures taken to alter the legal status, physical nature, demographic composition and cultural character of the occupied Arab territories, to deprive the Palestinian people of its roots and its national identity and to encroach upon the territory of Israel's Arab neighbours were equally alarming.

15. The Palestinian people's inalienable rights were recognized by a consensus of the international community reflected in many resolutions and declarations of the United Nations and the non-aligned movement. Nevertheless Israel continued to flout every call for the withdrawal of its forces from the occupied Arab territories and for respect for the national rights of the Palestinian people. The Palestinian problem was at the very heart of the conflict raging in the Middle East.

16. It was the Commission's duty to bring the full weight of its moral authority to bear and demand the ending of the occupation. Realism and common sense required that the conflict should be resolved exclusively by peaceful means, taking into account the legitimate interests of the countries and peoples concerned.

17. To that end, his delegation wholeheartedly endorsed the call for an international conference on peace in the Middle East with the participation, on an equal footing, of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people. Full use should be made of possibilities offered by the United Nations to create a climate more propitious to negotiations and to embark upon the process of settlement.

18. Mr. AL-OTHMAN (Observer for Kuwait) said that nothing the Israeli authorities could do - including the use of military force against unarmed civilians - would deter the Palestinian people from its struggle against illegal occupation; that struggle would continue, no matter what the sacrifice, until justice triumphed.

19. His Government commended the work of the Special Committee and welcomed its recent report. The contents, and those of previous documents on the subject, testified to Israel's persistent intensification of its illegal measures, in pursuance of the policy of terror and oppression which had marked the history of zionism. The report set forth in detail the methods employed

against the people of the occupied territories; examples were the diversion of water and electricity supplies to Israeli settlements, the deliberate provocation of religious antipathy between Muslims and Jews, and the closing of educational establishments. The report also gave reliable information about arrests and administrative detention, contrasting the severity of the punishment meted out, even to children of 13 to 15 years of age, with the lenient treatment of Israelis charged with offences against the population.

20. The oppression extended to the economic sphere also. The Arab population was required to do heavy manual work, and the low wages were further reduced by deductions made ostensibly for health and other services which were, in fact, unavailable. The right to trade-union association was denied. It came as no surprise that WHO had condemned the Israeli authorities for the deteriorating health situation in the occupied territories. In view of the steadily worsening conditions in those territories, contrary to the provisions of the Fourth Geneva Convention of 12 August 1949, the Commission must take decisive measures to safeguard the basic rights of the population.

21. A United Kingdom official had said, during a visit to Israel in January 1988, that the state of the refugee camps, 20 years after Israel's occupation, was contrary to all civilized standards; he had also pointed out that the recent uprising of Palestinians, far from being induced by any subversive forces, had been a spontaneous outburst against intolerable conditions. The Israeli authorities had reacted predictably by dismissing the observations as uninformed and asserting that, in any case, the United Kingdom no longer had a mandate for the territory concerned. The Commission could surely judge that matter for itself.

22. There was a clear consensus in favour of convening an international peace conference on the Middle East, under United Nations auspices, with the participation of the permanent members of the Security Council and of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people. The Arab countries, the Organization of the Islamic Conference, the non-aligned movement, the socialist countries and many others agreed on the need for such a step.

23. Mr. BENHIMA (Observer for Morocco) said that although, towards the end of the twentieth century, the world community had increasingly come to recognize the collective nature of human rights and the need to safeguard them, such recognition was not everywhere given effect. Indeed, in some areas, including the occupied Arab territories, such recognition had been swept aside.

24. Ever since the division of Palestine, pursuant to a General Assembly resolution, the entire Middle East had suffered a succession of painful events stemming from Israel's outmoded hegemonistic policies. Israel seemed utterly unmoved by the world-wide recognition of the Palestinian people's cause or by the repeated condemnations of its practices as barbarous and outrageous. The recent spontaneous uprising of Palestinians testified to their determination to struggle at all costs against oppression. Israel's misdeeds made a long catalogue, and the treatment meted out by its armed forces was tantamount to terrorism. Eminent persons around the world had voiced concern about the situation, which had given rise to protests by peace movements within Israel itself.

25. Among the world community's efforts to end that situation, his delegation particularly appreciated the action of the Security Council members who had sponsored resolutions 607 (1988) and 608 (1988). In support of the measures advocated by the international community, the Al-Quds Committee of the Organization of the Islamic Conference, meeting in Morocco, had condemned Israel's occupation of the Arab territories and had called upon the world community to take action, through the United Nations and ICRC, to bring about Israel's compliance with the Geneva Conventions.

26. In southern Lebanon also, Israel was committing acts of aggression against refugee camps, continuing to flout all the principles of humanitarian law and disregarding the world community's repeated calls for it to observe international norms of behaviour. The Israeli Government had refused to meet the Secretary-General's special representative, thus revealing its lack of respect for the United Nations.

27. The delegation of Morocco fully supported the Palestinian peoples struggle for self-determination and independence, and called on the international community to take whatever measures were necessary to compel Israel to desist from its illegal practices in the occupied Arab territories.

28. Mr. MacDERMOT (International Commission of Jurists) said that the head of his delegation, after a recent visit to the West Bank and Gaza, had returned with the conviction that nothing would ever be the same there again. However long the uprising in the Gaza Strip lasted, the people in the occupied territories were united in their spirit of resistance. Men and women of all ages had joined in supporting the uprising.

29. The whole world had seen the illegal violence used by young Israeli soldiers trying to maintain order who had been given no appropriate equipment or training in the proper methods of control. Although the Israeli Government was beginning to recognize the illegality of beating people who offered no violence, a Government spokesman had been reported as saying that, if the bones in the protesters' hands were broken, they would not be able to throw stones for a month and a half. That was an incitement to the illegal use of force.

30. All Palestinians felt an ever-growing hostility towards Israel for the indignities to which they were being subjected in pursuit of the interests of Israel and of its illegal settlers in the West Bank and Gaza Strip. With over half the land in the territories transferred to Israeli ownership, it was surprising that such an uprising had not occurred sooner. The reason that it had not was the strict Israeli Government control, which prevented any leaders from organizing a system of resistance. What was remarkable was that the uprising was not organized. Beginning in Gaza, it had quickly spread, with spontaneous uprisings in every part of the occupied territories.

31. There was reason to hope that the violence might persuade the parties to enter into negotiations. However, there would never be direct negotiations unless Israel ceased to claim that it could not "negotiate with terrorists", meaning the Palestine Liberation Organization (PLO). Virtually everyone with knowledge of the occupied territories agreed that the Palestinians regarded the PLO and its leader as their only hope. The political problems could be solved only when Israel was prepared to negotiate, at an international

conference under United Nations auspices, with both the PLO and States other than Egypt and Jordan. Unless and until it did so, the courageous resistance of the Palestinian people would continue.

32. Ms. COSTERMANS (International Movement for Fraternal Union among Races and Peoples) said that, 40 years after the partitioning of Palestine, Palestinian refugees were grouped in many camps, living in miserable conditions. There were currently 437,000 refugees in an area of 362 square kilometres. The 1967 war between Israel and its Arab neighbours had uprooted, for the second time in 19 years, about 145,000 Palestinian refugees. Since then, the Palestinians had been living under an occupation which was preventing any development of the country. The destruction of the port of Gaza in 1967, the loss of Egyptian markets and the closing of all banking institutions had had a dramatic impact on development efforts in the region. Forty-six per cent of the active Palestinian population travelled daily to Israel to work, their freedom of movement being restricted. The Gaza refugees had no nationality and no identity papers. Half of the refugees were under 20 years of age.

33. Even more serious, the Palestinians had no freedom of expression, even of cultural expression. However, the more a people's rights were trampled, the more it was determined to struggle and to claim those rights and its natural heritage. The young Palestinians had nothing to lose - they had no future, but they did have a great desire for freedom and justice for their people. Their situation was one of daily despair, and it was that despair which had led them to revolt.

34. Recent events once again proved that it was urgent for the two peoples in question to seek a just settlement, taking into account the legitimate rights of the Palestinian people. Her delegation called on the Israeli Government to agree to the holding of an international conference with representatives chosen by the Palestinians.

35. Mr. MITIAEV (World Federation of Trade Unions) said that the report of the Special Committee (A/42/650) and other documents before the Commission revealed the resurgence of repressive campaigns by the Israeli authorities against the population of the occupied territories. For the past two months, the situation had grown tragically worse: at least 41 Palestinians had been killed and more than 700 had been wounded.

36. Despite numerous United Nations resolutions, and in defiance of unanimous international condemnation, the Israeli leaders continued their policy of terror against the Palestinian workers and people, using cruelly repressive measures. The new racist motto of the Israeli Minister of Defence, "Break their bones!", was being applied literally by the Israeli soldiers.

37. His delegation had recently visited the West Bank and Gaza Strip and had witnessed the atrocities being committed by the Israeli army, including the expulsion of Arab citizens from their homes, the closing of trade-union premises, the arrest of trade-union activists, the systematic violation of trade-union freedoms and the increased exploitation of, and discrimination against, Arab workers.

38. His delegation called for urgent intervention by the United Nations, the International Committee of the Red Cross and the International Labour Organisation to ensure respect for fundamental human rights, the immediate halt to torture in Israeli prisons, the prevention of the deportation of Palestinians, the release of all the Palestinians that had been imprisoned and the restoration of freedom of association.

39. It considered that a just and lasting peace in the Middle East could be established only when Israel withdrew from all the occupied Arab territories and when the inalienable rights of the Palestinian people were respected, including their right to their own independent State. It supported the prompt convening under United Nations auspices of an international peace conference on the Middle East with the participation of all the parties concerned, including the PLO.

40. Mr. TEITELBAUM (International Federation of Human Rights) said that his organization's Israeli affiliate had sent observer missions to the military courts in the occupied territories and had been authorized to visit some of the prisons where those arrested during demonstrations were being detained. In the military courts, punishment was being meted out on a virtually collective basis, without any individualization of cases. The lawyers in the area were not defending the accused, because they felt that there were no guarantees for the defence. Some of those being sentenced were adults, while others were minors as young as 14 years of age.

41. A complaint had been lodged with the Israeli Supreme Court by the Federation's affiliate against the deportations that were taking place, using the argument that they were a violation of international law and should be declared null and void.

42. The Federation had deplored the arrest of various reporters from East Jerusalem shortly after they had given a press conference. The President of its affiliate in Israel, former judge Eli Nathan, had protested to an Israeli brigadier general at the army's excessive use of physical force against demonstrators, saying that, even in the case of violent demonstrations, the force used must be reasonable and must never be used as a method of punishment. The killing of Arab demonstrators by the Israeli army undoubtedly constituted not only an unreasonable use of force but also summary execution without any form of trial.

43. Being deeply concerned at those reports, the Federation had decided to send a mission during the current month to observe the situation in the field.

44. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) said that new acts of violation of fundamental human rights, including the right to life, were being committed daily in the occupied Arab territories. The Palestinian teenagers' only wrong was to aspire to their most elementary and legitimate rights. The brutal methods used by the Israeli military to quell legitimate demonstrations were being applied upon the instructions of the country's highest authorities. In a mere two days, the so-called iron fist policy announced by Israel's Minister of Defence had resulted in the admission of more than 200 persons to hospital with broken limbs.



45. Contrary to Israel's claim to be a democracy governed by the rule of law, its actions and policies in the occupied territories testified to gross abuses of the law. Israel seemed to expect the Palestinians to accept the persistent violation and erosion of their human and national rights and even to be grateful that some of them were allowed to join the slave labour market in Israel itself. The Palestinians and the rest of the World took a different view and his Organisation called upon the Commission to act without delay to put an end to Israel's escalating human-rights violations and to demand the immediate withdrawal of Israeli forces from the occupied Arab territories.

46. Mr. TABIBI (World Muslim Congress) said that, after occupying the Palestinians' land, homes, orchards and cities for 41 years, the Israelis had embarked upon a policy of systematic genocide. It was ironic that the barbarous acts to be seen daily on the world's television screens should be committed by a people which never tired of recalling the Nazi atrocities of long ago.

47. Israel's unjust policies had merely served to strengthen the resolve of Palestinians, both inside and outside the occupied territories, to continue their struggle for the restitution of their inalienable national rights. The principles of a just and lasting settlement of the conflict, as set forth by the United Nations, the non-aligned movement, and the Organization of the Islamic Conference, included the immediate and complete withdrawal of Israel's occupying forces from the Palestinian and Arab territories, including Jerusalem; the restitution of the Palestinian people's national rights, including the right to return and to self-determination; and the establishment of a sovereign State in Palestine with Jerusalem as its capital.

48. His organization appealed to the international community, and especially to those countries which continued to assist Israel despite its clear rejection of peace, to undertake effective measures towards that end. It believed that an international peace conference on the Middle East, under United Nations auspices and with the participation, on the basis of equality, of all the parties concerned, including the Palestine Liberation Organization, would provide the best opportunity to bring about a just and lasting peace in the region.

49. Mr. KONATE (Senegal) said that, 40 years after the adoption of the Universal Declaration of Human Rights, the rights of the Palestinians under Israeli occupation were still being flouted. The Special Committee's report - whose objectivity his delegation wished to commend - showed that the Israeli Government was bent on pursuing its policy of annexation and colonization of the territories occupied since 1967, and recent developments in those territories offered little ground for optimism as to the achievement of genuine peace in the region.

50. The occupation authorities' behaviour demonstrated their determination not only to remain masters of the land but also to crush the collective consciousness of the Palestinian nation through the profanation of holy places, the pillaging of archeological and cultural property and the transformation of historical sites, in complete disregard of the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Israel was also guilty of failure to apply the Fourth Geneva Convention of 1949.

51. The Jewish people, whose atrocious sufferings during the Second World War were still alive in the memory of mankind, was surely better equipped than any other to understand the tragedy of the Arab populations of the occupied territories and to recognize that the Palestinians' national resistance could not be destroyed by brute force. Yet Israel seemed to be blind to those realities. In the Golan Heights, too, the Israeli occupation authorities were pursuing the same policy of humiliation and harassment.

52. His delegation called upon the international community to do its utmost to enable the Palestinian people to recover its right to self-determination, through the Palestine Liberation Organization, its legitimate representative. In the interest of preserving its credibility, the Commission must assume full responsibility for ensuring respect for human rights in the occupied Arab territories and should not remain silent concerning the human-rights violations reported by the Special Committee.

53. Recognizing that the main cause of the denial of human rights in Palestine was the occupation itself, his Government supported the idea of convening an international conference on peace in the Middle East with the participation, on an equal footing, of all the parties concerned, including the Palestine Liberation Organization.

54. Given the necessary political will, the Security Council, the principal organ of the United Nations responsible for the maintenance of peace, could and should assist the Palestinian people in its efforts to recover its ancestral homeland. The role of the Commission was to remind the Council of that duty.

The meeting rose at 12.40 p.m.