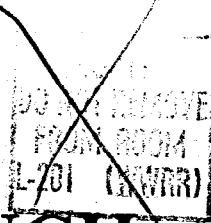


UNITED NATIONS



SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-FIFTH YEAR

2259th MEETING: 19 DECEMBER 1980

NEW YORK

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2259th MEETING

Held in New York on Friday, 19 December 1980, at 11 a.m.

President: Mr. Donald F. McHENRY
(United States of America).

Present: The representatives of the following States: Bangladesh, China, France, German Democratic Republic, Jamaica, Mexico, Niger, Norway, Philippines, Portugal, Tunisia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2259)

1. Adoption of the agenda
2. The situation in the occupied Arab territories

The meeting was called to order at 11.50 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

1. The PRESIDENT: I wish to inform members of the Council that I have received letters from the representatives of Egypt, Israel and Kuwait in which they request to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Abdel Meguid (Egypt), Mr. Blum (Israel) and Mr. Bishara (Kuwait) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: I should like to inform the Council that I have received a letter dated 18 December from the representative of Tunisia [S/14303], which reads as follows:

"I have the honour to request that the Security Council extend an invitation to the representative of the Palestine Liberation Organization to participate in the Security Council's consideration of the item 'The situation in the occupied Arab territories', in accordance with the Council's past practice."

3. The proposal by the representative of Tunisia is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure, but, if approved by the Council, the invitation to participate in the debate would confer on the Palestine Liberation Organization (PLO) the same rights of participation as those conferred on Member States pursuant to rule 37.

4. Does any member of the Security Council wish to speak on this proposal?

5. Since no other member of the Council wishes to speak, I shall make a statement in my capacity as the representative of the UNITED STATES OF AMERICA.

6. I wish to reiterate the position the United States has so often stated in the Council. We have no objection to hearing representatives of the PLO under the established procedures of rule 39 of the provisional rules of procedure. However, we do not consider it appropriate to extend an invitation to participate in terms that might give the appearance of according rights of participation to the PLO as if it were a Member State of the United Nations. It is for this procedural reason that we are opposing the invitation that is being proposed.

7. I now resume my functions as PRESIDENT of the Council.

8. If no other member wishes to speak, I shall take it that the Council is ready to vote on the proposal by Tunisia.

A vote was taken by show of hands.

In favour: Bangladesh, China, German Democratic Republic, Jamaica, Mexico, Niger, Philippines, Tunisia, Union of Soviet Socialist Republics, Zambia

Against: United States of America

Abstaining: France, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland

The proposal was adopted by 10 votes to 1, with 4 abstentions.

At the invitation of the President, Mr. Terzi (Palestine Liberation Organization) took a place at the Council table.

9. The PRESIDENT: I should like to inform members of the Council that I have received a letter dated 18 December from the representative of Tunisia [S/14305], which reads as follows:

"I have the honour to request that the Security Council extend an invitation to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States to the United Nations, to participate in consideration of the item entitled 'The situation in the occupied Arab territories', in accordance with rule 39 of the provisional rules of procedure."

If I hear no objection, I shall take it that the Council agrees to this request.

It was so decided.

10. The PRESIDENT: I have also received a letter dated 18 December from the representative of Tunisia [S/14304], which reads as follows:

"I have the honour to request that the Security Council invite Mr. Fahd Qawasma, Mayor of Al-Khalil, and Mr. Mohamed Milhem, Mayor of Halhoul, to participate in the Council's consideration of the item entitled 'The situation in the occupied Arab territories', in accordance with rule 39 of its provisional rules of procedure."

Unless I hear an objection, I shall take it that the Council agrees to this request.

It was so decided.

11. The PRESIDENT: As was agreed in the course of consultations on 17 December, the Council is meeting today in connection with the expulsion of the Mayors of Al-Khalil and Halhoul and the Sharia Judge of Al-Khalil.

12. Members of the Council have before them the following documents: S/13960, containing the report submitted on 24 May by the Secretary-General in pursuance of Council resolution 469 (1980); S/14302, containing the text of a note by the Secretary-General calling attention to paragraph 5 of General Assembly resolution 35/122 F; S/14306, containing the text of a draft resolution which was prepared in the course of the Council's consultations.

13. The Secretary-General has asked to be allowed to make a statement and I now call upon him.

14. The SECRETARY-GENERAL: As the Security Council is about to consider the expulsion of the Mayors of Hebron and Halhoul and of the Sharia Judge of Hebron, I feel I should report to the Security Council on the efforts I have undertaken on this matter.

15. The Council will recall that, in pursuance of its resolution 469 (1980), I submitted a report to it on

24 May [S/13960]. In that report, I mentioned the appeal I had addressed to Prime Minister Begin asking him to take the necessary action to respond to the call of the Council. In his reply, Mr. Begin stated that a petition to allow the return of the two Mayors and the Sharia Judge had been submitted to the Israeli High Court of Justice for consideration. He added that an order *nisi* had been issued by the Court and that hearings would be held on the merits of the case, after which the Supreme Court, sitting as the High Court of Justice, would render its judgement, which would be carried out by the Government. Since then, my advisers and I have brought up this matter on several occasions with the Permanent Representative of Israel and other Israeli representatives.

16. In that connection, I should like to recall briefly some developments relating to this case, on the basis of information confirmed by the Israeli Mission.

17. In August, the Supreme Court of Israel upheld the expulsion of the two Mayors and the Sharia Judge. It also ruled that the two Mayors had the right to appeal to an Israeli military review board.

18. In October, in response to an appeal submitted by the families of the two Mayors on their behalf, the Israeli Government decided to allow the Mayors to return to the West Bank to appeal their deportation order before a military review board. The board began its proceedings on 9 October and the two Mayors were invited to appear before it by mid-October. The two Mayors, who returned to the West Bank for the hearings, were held in confinement at the Customs Terminal, where the board sat. Subsequently they were transferred to Ramleh Prison in Israel. The military review board recommended that the expulsion order be upheld, and this recommendation was endorsed by the Military Governor.

19. Following that, the lawyer of the two Mayors submitted an appeal to the Supreme Court. On 4 December, the Supreme Court upheld the expulsion order; at the same time, the judges recommended that the Government review this matter and that in the meantime the Mayors be allowed to stay.

20. On 5 December, upon hearing that the Israeli Government intended to deport the Mayors forthwith, I immediately contacted the Israeli representative. Recalling the Security Council resolutions on this matter, I asked Ambassador Blum to convey urgently my concern over this development to his Government and my hope that his Government would reconsider its decision. Unfortunately, the Israeli Government maintained its decision, and the Mayors were deported to Lebanon on the same day.

21. Since that time, the General Assembly has adopted resolutions 35/122 D and F on this matter. On 17 December, I addressed a new appeal to Prime Minister Begin in which I urged him to reconsider the

decision of his Government and to permit the Palestinian leaders to return to the West Bank so that they could resume the functions for which they were elected and appointed. I indicated in the same letter to Prime Minister Begin that this and my previous appeals were motivated by my concern for the cause of peace and the welfare of the population in the area and also by my conviction that the expulsion of the Palestinian leaders would inevitably exacerbate tensions and hamper efforts for a just and lasting peace.

22. That is all I have to say for the time being.

23. The PRESIDENT: The first speaker is the representative of Kuwait, who wishes to make a statement in his capacity as Chairman of the Arab Group at the United Nations for the month of December. I invite him to take a place at the Council table and to make his statement.

24. Mr. BISHARA (Kuwait): I should like to say on behalf of the Arab Group that we are very grateful to you, Mr. President, for acceding to our request to convene this meeting. I also express to you best wishes for a very successful future. I have known you and worked with you for many years. I have discovered how objective, constructive, healthy and positive your approach always is. We shall miss you in the United Nations, but I am sure that you will take with you outside the United Nations constructive achievements that will be reflected in your future career. We wish you good luck wherever you go, and I am sure that, whatever your destination, success will be your companion.

25. I should like to express our thanks to the Secretary-General for his unflagging efforts. The statement he has just made demonstrates how deeply involved he is. We are grateful to you, Mr. Secretary-General.

26. I do not intend to repeat what was said in the debates during the past two weeks in the General Assembly. I do not intend to go into the origins of the tragedy of Palestine. I shall not speak about territories or occupation. I shall confine myself to the present issue.

27. In this chamber we have two distinguished Palestinians: the Mayor of Al-Khalil (Hebron) and the Mayor of Halhoul. They themselves will, later in this meeting, explain their odyssey, which started with expulsion and continued with imprisonment, and again expulsion. We here in the United Nations read about terror in the West Bank and repression: they lived it. We read about Israeli repressive measures, the Israeli brutal approach: they suffered from it. We read about emergency measures and decrees: they are the victims of such measures and decrees. They will present their case, and truth—only truth—is their companion. Knowledge is their ammunition, right, justice, fairness are their weapons. Their presence here is a clear indictment of Israeli policy. Their plight

is indisputable proof of the brutality now being practised in the West Bank. Indeed, the Israelis are having a Roman holiday, unopposed, uncontested. The two Mayors will reveal to us what they went through, what they saw and what they suffered.

28. Very soon, everyone will be celebrating the holidays with families, children, relatives. The two Mayors will never have the chance to celebrate the holidays with their children, their relatives, their families. It is a tragedy—a tragedy that emanates from occupation. But I do not intend to talk about occupation now.

29. The Council adopted two resolutions—468 (1980) and 469 (1980). Israel flouted, disregarded, rejected, opposed those two resolutions. Recently the General Assembly adopted by an overwhelming majority a resolution on the return of the two Mayors. Israel rejected and disregarded that resolution and treated it with contempt. The Council has time and again reaffirmed that the fourth Geneva Convention of 1949¹ applies to the occupied territories. Israel defies, rejects and spurns the Council decisions, just as it has always defied the Council, the General Assembly and the international community on any issue relating to the tragedy of Palestine and the problem of the Middle East. It pursues that policy with exceptional immunity from any countermeasures, any punitive measures. I do not intend to go into the reasons for that.

30. In the past few months, Israel has intensified its repressive measures against defenceless Palestinians. In doing that it has used all the measures inherited from the British colonial rule. Universities have been closed. Students have had their legs shot at. Houses have been demolished. Property has been looted. As we read in yesterday's *New York Times*, indiscriminate shooting is becoming a daily affair. Even the foreign press suffered from the brutality of the Israeli measures. Films of foreign reporters were confiscated, television teams were harassed and reporters were prevented from sending dispatches to their headquarters. The aim is to impose a blackout on what goes on. The aim is to prevent the truth from getting out. The aim is to shut out the world and to prevent the world's gaining any knowledge of what is going on there. But truth can never be hidden, and we have two distinguished Palestinians who will speak about that truth.

31. The presence of these two Palestinians will articulate the power of the truth. The two distinguished Palestinians who are present here, sons of Palestinian forebears who tilled the Palestinian soil, who grazed their herds in Palestinian valleys, are now in New York, the victims of expulsion. Jewish foreigners are welcome to take their place, to live in the West Bank. The two native Palestinians here can travel anywhere in the world but to their own country, to the place of their birth, while Jews from all over can settle in their place and claim it as their own place of birth.

Jewish settlements are being intensified in the midst of Palestinians and on Palestinian territory, settlements that claim the water resources of the indigenous Palestinians. To cap all the privileges enjoyed by these imported Jews, they invoke the Bible to justify their colonialism. The plight of the Palestinians is the result of occupation. Their plight will end with the end and eradication of that occupation.

32. We say that the tragedy of the Palestinian people knows no parallel and we have an example, an illustration of this tragedy in the presence of two distinguished mayors who are unable to go home. And when they see that these imported Jews enjoy land that the Palestinians own, it becomes sad and tragic. They see that their own country, the West Bank, has become almost a Jewish ranch, while they have no place to go, travelling from one city to another, from one country to another, like wanderers. It is sad.

33. This policy, as we have been saying for years, is an invitation to war and is by no means conducive to peace. It is, as we have been saying, warmongering. It is, as we have been saying, illegal. It is, as we have been saying, immoral, and therefore should be opposed and condemned.

34. The expulsion of the two mayors by Israel is in line with Israeli policy, which is to de-Arabize, de-Palestinize, denationalize the Palestinian territories. Israel expels as many Palestinians as it can so as to create room for its imported Jewish settlers. De-Arabization by definition means physical expulsion. It also means eradication, an attempt to eradicate Palestinian national feelings by expelling Palestinian thinkers, leaders, scholars, artists—men of ideas. The purpose is to de-Arabize the area sentimentally and nationally, but this policy of de-Arabization by expulsion and the removal of leading Arab personalities will never succeed. Every Palestinian—as we know—will remain faithful to his land, no matter how effective Israel's measures are.

35. Tyranny is not the way to bring about peace. Tyranny is counter-productive. Therefore, the Council should declare—and this is the mildest of our demands—its opposition to Israel's measures against the mayors and against the Mufti, a distinguished religious leader whose only fault was to express his own national feeling. The territory can never be without this expression of national feeling by the Palestinians, this sense of their right to existence and their feeling for the land of their forebears, for the land that they developed, a land from which great religions emanated, a land which will see peace when reason prevails. It is imperative that Israel remain isolated and that the international community insist on the return of the two mayors and the Mufti to their homes. Such action reveals and confirms the immorality of Israel's policy. It is very important to bring it home to Israel that its policy is immoral, that it is contrary to international law, in violation of the Charter of the

United Nations, in breach of human values and, more than that, that it is warmongering. It is very important to shame Israel by revealing how sinister and how destructive its policy is.

36. The two mayors are symbols of Palestinian resistance and opposition to the brutal measures imposed on the West Bank. Our support for the cause of the mayors is a signal to the people under occupation that they are not alone in their opposition to brutality, that their cause is just and that the world, acting through the Security Council, has not turned a blind eye to their plight. It is a signal of moral support. It is a signal of political support and a signal of the isolation of Israel by the international community. It is a signal that should shame Israel into desisting from its policy. The draft resolution that is before the Council [S/14306] is in line with what we demand. Moral and political support on the part of the Council to the people under occupation is justified and timely. We hope that the Council will respond positively.

37. The PRESIDENT: The next speaker is the representative of Israel. I invite him to take a place at the Council table and to make his statement.

38. Mr. BLUM (Israel): Before turning to the substance of the matter before us, let me briefly recall the background.

39. On Friday, 2 May 1980, a group of Jewish worshippers, mostly students of religious seminaries, were returning from their Sabbath evening devotions at the Tomb of the Patriarchs—the Cave of Machpelah—in Hebron. While they were walking down a narrow alley, PLO terrorists launched a cowardly attack on them from the roofs of two adjacent buildings. Six of the worshippers were murdered; 16 others, among them women and children, were wounded, two of them critically. Within hours, Yasser Arafat's Fatah, the largest constituent group within the PLO, took responsibility for that outrage.

40. The Government of Israel, like any Government, has a primary duty and responsibility to preserve law and order and to safeguard human life. Accordingly, it immediately took a number of steps to prevent the recurrence of this kind of outrage. These steps included the expulsion of the then Mayors of Hebron and Halhoul and the Qadi of Hebron.

41. As I explained in detail in my statement before the Council on 8 May [2221st meeting], those three individuals, on instructions from the PLO and the Arab rejectionist States, had been actively and systematically engaged over the preceding months in inciting the local Arab population to acts of violence and subversion against Israel and Israelis alike. Their record and activities were well known then, and there is no need for me to go over them again. Their conduct since last May has further vindicated the decision to expel them.

42. Over the last few months, the three individuals concerned have had full recourse to the Israel judicial system. Early in May, petitions were submitted on their behalf by their relatives contesting the expulsion orders, and on 20 May the Israel Supreme Court, sitting as the High Court of Justice, agreed to hear the petitions. After hearing the arguments submitted on behalf of the petitioners, the Supreme Court saw no reason to rescind the expulsion orders. At the same time, the Court ruled that Mr. Fahd Qawasma and Mr. Mohamed Milhem had a right to a hearing before a military review board, and recommended that the two individuals be allowed to appear in person before that board. The Government of Israel complied with the ruling regarding the military review board. Also, even though it was under no obligation to do so, it accepted the recommendation that Mr. Qawasma and Mr. Milhem be permitted to return to appear personally before the review board. That board convened on 15 and 16 October and heard lengthy testimony from the two men. After considering all the evidence, it recommended that the expulsion orders be upheld. The Area Commander of Judea and Samaria accepted that recommendation and confirmed the orders on 20 October. Thereupon, Mr. Qawasma and Mr. Milhem took their case to the Supreme Court once again, this time directly appealing the expulsion orders. On 4 December, the Supreme Court upheld the validity of the orders issued against the individuals in question. Accordingly, and after further consideration of the matter by the appropriate Cabinet committee, Mr. Qawasma and Mr. Milhem were expelled one day later on Friday, 5 December.

43. As this brief chronology makes clear, Mr. Qawasma and Mr. Milhem have been able to pursue every legal recourse and remedy in the Israel judicial system, including personal appearances before the Supreme Court.

44. Israel is a State dedicated to the rule of law, which is guaranteed by an independent judiciary. Our courts and our judicial system as a whole have established for themselves an enviable reputation. They certainly can match, and in many cases can better, the courts in any of the countries represented in this Council. We cannot, therefore, accept any attempt to interfere with the judicial process of our country.

45. Beyond that, the entire proceedings here today prompt me to make some remarks of a more general nature. As I have observed on previous occasions, anyone reviewing the agenda of this Council since the beginning of this year would be obliged to conclude that there are almost no international crises in the world other than the Arab-Israel conflict. The human lot is a happy one: gone are the whole range of threats to international peace and security in all corners of the globe. Acts of terror have been stamped out, and the "terrorist international" has been brought under control. Human misery, persecution and degradation have ceased to plague this earth. Only the rulings of

Israel's courts darken the horizon. What hypocrisy! What utter hypocrisy!

46. Where in heaven's name has this Council been over the last year? This is the third time in the last eight months that the Council has met to consider the case of three men expelled for incitement to subversion, violence and terror.

47. But what has happened to the Council's primary responsibility for the maintenance of international peace and security? The Soviet invasion and occupation of Afghanistan was last discussed in this Council almost a year ago. That occupation still goes on. Thousands of defenceless Afghans have been killed by Soviet tanks and bombers. Hundreds of thousands more have been turned into refugees, including, undoubtedly, scores of mayors and Qadis. Where has this Council been? Since 9 January it has not held one formal meeting on the Soviet aggression against Afghanistan, despite the call, made in the resolution adopted on 14 January by the General Assembly at its sixth emergency special session, that the Security Council should take action [*resolution ES-6/2*].

48. The American hostages in Iran are now in their 412th day of bondage. We all hope that their ordeal will be over soon. But where has the Council been on this grievous issue? It has not met on this subject since January.

49. Has the exodus of poor wretched people from Viet Nam and Kampuchea stopped? Is their fate not worthy of consideration? Do the forces that impel their exodus constitute a threat to international peace? No. Only the decision of the Israel Supreme Court with regard to men who have abused their public offices is worthy of consideration by the Council three times in the space of eight months.

50. Over 100,000 people were made to leave Cuba, one way or another, in the course of the last year. This is another issue which the Council has either not heard about or does not wish to know about.

51. In the last month, the same super-Power which used naked force and aggression against Afghanistan began marshalling its military might and that of its satellites with a view to making its weight felt elsewhere. But the Council sees no evil, hears no evil, and, of course, speaks no evil.

52. But why need I go so far afield? In the Middle East, a bloody war has been waged for the last three months between Iraq and Iran. The Council held one or two desultory meetings a couple of months ago and since then has not felt the need to hold another formal meeting. The carnage, the wanton destruction and the toll of human life on both sides is immense, but, since this conflict is unrelated to Israel, the matter can wait. No one need be condemned. The killing can go on and the threats to international peace and security are of no consequence.

53. Even closer to home, indeed almost within sight of Israel's northern border, Syria moved large numbers of tanks and troops in the last three weeks against Jordan. Jordan responded in kind. There were moments in the course of that crisis when the two sides were within a hair's breadth of a shooting war which could easily have had drastic repercussions throughout the region. At one point, the Council made a nervous attempt to put this question on the agenda of one of its informal meetings. In the nick of time a news agency report was received to the effect that the armed stand-off on the Syrian-Jordanian border was being resolved, and thus the Council was mercifully spared the embarrassment of having to discuss the situation.

54. And what about the situation in Lebanon? That battle-torn country has been under Syrian occupation for four years and more. Yet the Council has not found a moment to discuss Syrian aggression. To be sure, it did hold one meeting, scarcely worthy of the name, on 6 October 1978 [2089th meeting] in the wake of the Syrian bombardment of Beirut and the resulting death of hundreds of men, women and children and the creation of thousands of refugees. On that extraordinary occasion, the Council met for all of five minutes to adopt without discussion a milk and water resolution that was so preciously drafted that it did not mention Syria by name or even go so far as to suggest that a State—I repeat, a State—might perhaps be involved in the wanton killing of civilians. The Council raised its moral authority to a pinnacle by entreating “all those involved in hostilities in Lebanon” to desist if they would please be so kind [resolution 436 (1978)].

55. And what about Libya's occupation of parts of Chad, and what of its massive involvement in the civil war there today? Since 1973, Colonel Qaddafi occupied and later annexed 114,000 square kilometres of Chad's territory. Given this Council's well-known preoccupation with occupied territories, one would have expected that in the last few years it would have found a moment to rebuke Libya—ever so mildly—for threatening international peace. One would not expect the Council to go so far as to express concern, or God forbid, to deplore, let alone condemn, Arab acts of belligerency, aggression, occupation, subversion and intervention in the internal affairs of other countries.

56. But of course, Libya was a member of the Security Council in 1976 and 1977. Perhaps at the time of Libya's election to the Council its occupation of parts of Chad constituted its special contribution to the maintenance of international peace and security, as expected of non-permanent members of the Council by Article 23 of the Charter. By the same token, permanent membership of the Council apparently accords the right to occupy whole countries permanently, with only a minimum of inconvenience.

57. This, then, is the Council's record. Does it give the Council the moral authority to sit in judgement on the Supreme Court of Israel?

58. None of the threats to international peace and security to which I have referred appear, in the eyes of the Council, to be of sufficient gravity to warrant its active attention. What is so urgent? An expulsion order issued pursuant to law and confirmed by the Supreme Court of a sovereign State. The subjects of that order were three men who had been actively and systematically engaged in inciting the local population to acts of violence and subversion, men who abused their public office to make inflammatory statements at public gatherings, men who since their expulsion have made no pretence of hiding their active involvement with the activities of a terrorist organization.

59. As I stated earlier, these men have enjoyed every benefit of the Israel legal system. They have presented their case to the competent authorities. They were allowed to appeal not once, but twice, to the Israel Supreme Court. In light of this, the involvement of the Council in this matter from the beginning has constituted a gross interference with Israel's independent judiciary.

60. Informed world opinion will judge any resolution which may be adopted in this debate not only on the doubtful merits of the debate itself but much more so in the light of the Council's over-all record.

61. The PRESIDENT: The next speaker is Mr. Mohamed Milhem, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I now invite him to take a place at the Council table and to make his statement.

62. Mr. MILHEM: Thank you, Mr. President, for giving me the privilege of addressing the Security Council for the second time.

63. I have heard Mr. Blum say that the Council has wasted so much time on a problem of three individuals. Actually, ours is not a problem of three individuals but is a problem of about one and a quarter million Palestinians, hostages in the occupied territories—and I stress the word “hostages”. Our problem is also one of more than 3 million Palestinians in exile abroad. It is not a problem of just three people. If it had been a problem of three people, and of where and how to live, we have enough space in the Arab world, and in the world at large, in which to live and be better provided for, and in better living conditions, than in the occupied territories, where inflation is the highest in the whole world.

64. I have just remembered—and Mr. Blum's words about dedication to law and democracy and so on brought it to mind—that my wife, while I was in the Ramleh gaol, told me that in a demonstration of women and schoolgirls in my town, asking for our return, the Israeli soldiers started beating them on the legs with their sticks, and told them the following—and I quote what my wife told me: “Now there is no TV to take pictures when we break your legs; there are no press

people to report to the world; and the Security Council and United Nations resolutions can in no way be implemented as long as we are here." I leave it to your discretion.

65. There is an Arabic saying which goes like this: "If the judge were your opponent, to whom should you complain?" The judge in this case was the General in Command of the West Bank—not the Supreme Court, because the Supreme Court had bowed to the military establishment in Israel. There is no primacy of law and democracy in that part of the world.

66. Now, because the judge is our opponent, we have come back to this Council as symbols of our Palestinian people being daily harassed in the occupied territories.

67. On 14 October, we voluntarily gave ourselves up and went very willingly to gaol—from United Nations Plaza to gaol; from the Sheraton to gaol; from the Hilton to gaol—in the hope that it would be the first step towards our return to our families and towns. Our hope was based on the following reasons: first, the Security Council had adopted two resolutions in favour of our return; secondly, the investigations of those responsible for the Hebron military operation on 2 May last had proved that we were not directly or indirectly connected with that operation—as the Council knows, we were expelled only five hours after that operation, which means that our expulsion was the result of that particular operation; thirdly, world public opinion, heads of State, heads of political parties, jurists, parliamentarians and others also had called for our return; fourthly, the Supreme Court, which, as I said at the outset, had bowed to the military establishment, had issued two rulings stating that our expulsion was illegally carried out, and kept the door open for us to appeal.

68. For the foregoing reasons, it seemed that our return to continue our mission for a just peace would be realized at last, after our five-month world tour to explain our position.

69. On 15 and 16 October, the Israeli Advisory Military Tribunal held two lengthy sessions in the Jordan River Bridge building, which served as our gaol.

70. Now, there is one thing I want to remind the Council of, and I want Mr. Waldheim to know about it, because in his report he was well informed: the three members of the Tribunal were appointed by Ben Eleazar, who is the Commander of the West Bank. They were selected and appointed by him. General Ben Eleazar had previously threatened to leave the Israeli army if we were allowed back. Who in his right senses believes that General Ben Eleazar would assign judges who would take a just decision and bring about his resignation? Another indication is that one of the General's aides, on the first day of the first session of the Tribunal—that was 15 Octo-

ber—and before any decision had been rendered or any session of the Supreme Court had taken place, told us that our return was impossible. How could an influential personality there judge that our return was impossible before we had completed the proceedings in the Tribunal and gone to the Supreme Court?

71. In spite of the army establishment policy in the occupied territories, of which all members of the Council are aware, and the maiming of the mayors, I would remind Mr. Blum of this: the investigations concerning the Mayors of Nablus and Ramallah came up against a closed door, a deadlock; they got nowhere. I suppose that that is dedication to law. Now, in spite of the insistence of that army establishment on refusing to allow us back, we had hopes that the Supreme Court, which is civilian, would decide in favour of our return. The Supreme Court in Jerusalem held two sessions and adjourned to take a decision. It took five weeks before the last session, that is the session of the decision, was held. Five long weeks. I just want members to imagine being in our place. During that entire time, those five weeks, we were in Ramleh gaol following the news from sunrise to midnight every day. To us, as it would be to anybody else, that could only be psychological torture, the most difficult kind that one can imagine.

72. The decision finally came on 3 December, not 4 December. The Supreme Court, which according to Israeli law has no authority to reverse a decision of the Advisory Military Tribunal, decided that the steps that had been taken were legal. They had nothing to say against the decision to expel us. Most important of all was that the Supreme Court unanimously referred the final decision to the Prime Minister of Israel, asking him to reconsider our case, which according to the court ruling had become a political issue, not a legal one. On 4 December all the main editorials in the Israeli press analysed the court ruling. I want to give the Council an example. The Dean of the Faculty of Law in Tel Aviv University commented that the Supreme Court ruling meant that our expulsion was illegal and that we must be allowed to return home at least for a probationary period. He pointed out that the fourth Geneva Convention of 1949 applied only to people under occupation, not to people whose countries had bilateral relations, and that consequently our expulsion was illegal.

73. In June, the Prime Minister of Israel informed Mr. Waldheim that our case was not in his hands but in the hands of the Supreme Court. He added that he would abide by the Court's ruling. When the case was at last referred to him by the Court and left for him to decide, he broke his word to Mr. Waldheim. He turned a deaf ear to the two Security Council resolutions, to world public opinion, to a great majority of peace-loving Israelis and even to the law experts inside Israel itself, including the three judges of the Court. In front of visiting parliamentarians, the Prime Minister of Israel declared that he—and I stress he,

not the Court—had decided to expel us because we constituted “a danger to the Arabs and the Jewish public”. In other words, he wanted to deceive the distinguished visitors into believing that we were dangerous not only to our families and the people who elected us but to that considerable number of peace-loving people in Israel who supported our cause throughout the 52 days of our imprisonment. The Prime Minister’s statements were literally incredible. His Minister of Justice denied that we had been expelled as a result of the Hebron operation. Why, then, did our expulsion take place a few hours after that operation?

74. Equipped with the Council’s resolutions and the support of the world, we chose to go to gaol and to undertake a 10-day hunger strike. Our actions show that we are lovers of our land and of our people. Our right of return is unquestionable. We preferred to be in the occupied territories sharing the sufferings of our people than to be outside with less tension in our minds and lives. And here I just want to relate something that Saad Haddad told us in south Lebanon, in the village to which we were re-expelled. He said, “Could you please tell Arafat to leave Lebanon together with his Palestinians?” And we told him this—and the Israeli officers were there, sitting in the room: “Please ask your Israeli friends to allow us to go back to gaol, not to our homes.” If we did not believe in a just peace and in working for it, we would have chosen the easier way: to stay outside. If we did not believe that the Organization and the Security Council would stand on the side of justice, we would not have come here.

75. Let us, and for the first time, give full credibility to this vehicle of peace by having one of the Member States, Israel, implement two Security Council resolutions and return three persons—two elected mayors and one Sharia judge—to their homes and towns. Nobody in the world believes that three individuals endanger the security of the State of Israel and its army. Could the two of us, even together with the Sharia judge—he is very old, anyway, to endanger anybody’s life—endanger the security of Israel and its army? As the Council is aware, the chiefs of staff of the Israeli army have all the time been saying that their army has a long arm and that it can reach any part of the Middle East or the world.

76. If in Begin’s mind there had been any intention of making peace, he would have let us stay. In expelling us the Prime Minister invited, as was evidenced at once, the way of violence and confrontation. The Council has heard what happened in the occupied territories right after our expulsion.

77. We stand with the Council for implementation of the resolutions and for establishing the credibility of the United Nations at a time when all of mankind would like to see the Organization grow and its resolutions respected.

78. I should like to add a final word: that, for us, it would be a great honour, on behalf of the Palestinian people, to be the first Palestinian expellees to return home because of one of the many United Nations resolutions.

79. The PRESIDENT: The next speaker is Mr. Fahd Qawasma, to whom the Council has extended an invitation under rule 39 of the provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

80. Mr. QAWASMA: Once again we are here before this august body to plead our case. In May [2223rd meeting], as may be recalled, my colleague and I addressed the Security Council immediately after our expulsion from our homeland and separation from our families, our children and the people who had elected us mayors. On that occasion, the Council adopted two resolutions, 468 (1980) and 469 (1980). In both resolutions the Council requested Israel to allow our return and to facilitate our resumption of our responsibilities as mayors. Israel responded to these resolutions by total rejection.

81. Our love for Palestine, our love for our families and for our people prompted us to resort to every possible method which would facilitate our return. Hence, we agreed to appear before the Israeli courts despite our strong conviction that the Israeli courts possess no authority or jurisdiction over us.

82. In that context, I should like to point out that the jurisdiction that the Israeli High Court of Justice has is limited only to examining whether or not the legal procedures of the lower courts were followed during the course of their decision-making. In other words, the Israeli High Court of Justice does not deal with the substance of cases. Accordingly, the role of the High Court of Justice in handling our case was only to ensure that legal procedures were applied and that is precisely why that High Court of Justice requested the military authorities to allow our return and our appearance before the military review board.

83. Our expulsion on 3 May was based, according to the Israeli military authorities, on the defence regulations of 1945 of the British Mandate. Those regulations were imposed by a colonialist Power and are at best arbitrary.

84. On 14 October, we entered the occupied territories. The Israeli occupation authorities detained us in a little room near the Jordan River. There they conducted hearings by the military review board. Uniquely, that military advisory board was appointed by Mr. Benjamin Eleazar, the Israeli Commander of the West Bank who had been responsible for our initial expulsion.

85. The review board held two secret sessions with us. Each session lasted 12 consecutive hours. At those

sessions the only witness who testified—and he testified against us—was Mr. Egal Karmoon, the Assistant to the Israeli Military Commander, Mr. Eleazar. Again, to note yet another irony, Mr. Karmoon was the very same person who on 3 May had come to my home in Al-Khalil and lied to me in saying that the Israeli Military Commander wanted to see me. He lied, for the Military Commander did not want to see me, nor was I taken to see the Military Commander. In fact, what happened was that he abducted me and my colleagues, put us in a helicopter and then threw us across the border into Lebanon. I called the attention of the President of the Israeli military review board to that fact, and I asked him how he could accept the testimony of someone who had already proved that he was a liar. The Committee official's reply to me was that Mr. Karmoon had lied to me upon instructions from the Military Commander. May I ask if we can expect justice from a system that includes telling lies upon instructions as part of its policy?

86. Moreover, the Israeli authorities used as another reason for our second expulsion the statements we made outside, after our expulsion, and here at the Council in May.

87. Allow me to ask the Council if it has ever heard of anyone who has been expelled unjustly turning to others and praising the system of justice that illegally expelled him? Naturally our statements to the Council did not contain words of praise for the system that illegally expelled us. And to use our statements as additional evidence against us is only additional evidence of the distorted system of justice there.

88. On 20 October, the review board made its decision to expel us again. The Military Commander gave his signature of approval to that decision. Left with the only means of protesting that illegal decision, our persons, we started a hunger strike, which lasted 10 days. Our lawyer, meanwhile, appealed the decision to the Israeli High Court of Justice. During our hunger strike we were transferred to the infamous Ramleh prison, where we were detained for another 42 days, until early December.

89. Our lawyer based our appeal to the Israeli High Court on the following arguments.

90. In the first place, expulsion of civilian population from the occupied territories is totally illegal because:

— First, it violates the Jordanian law which was in effect at the time when Israeli occupation of the territories began.

— Secondly, it violates the Jordanian Constitution, which prohibits the expulsion of any civilian from his country. Chapter II of the Constitution of the Hashemite Kingdom of Jordan is entitled "Rights and Duties of Jordanians"; its paragraph 8 reads:

"No person shall be detained or imprisoned except in accordance with the provisions of the law".

Paragraph 9 reads:

"(i) No Jordanian shall be exiled from the territory of the Kingdom;

"(ii) No Jordanian shall be prevented from residing anywhere, or shall be obliged to reside in any specified place except in the circumstances prescribed by law".

— Thirdly, expulsion violates article 49 of the fourth Geneva Convention of 1949.

— Fourthly, it violates the resolutions of the Security Council.

91. In the second place, our expulsion in May was unjustifiable. The Israeli authorities expelled us five hours after a military operation had occurred, thus giving the impression that our expulsion was related to that military operation. However, as is well known to everyone now, we did not have any connection with that military operation—either directly or indirectly. In fact, the confessions of those who conducted the military operation themselves—and who were later apprehended—verify the fact that there was no direct relevance.

92. I should like to make the following remarks.

93. First, the High Court of Justice upheld, by a majority of 2 to 1, the decision of the military review board to expel us. Of the three court authorities, the Deputy President of the High Court dissented, declaring that the provisions of the fourth Geneva Convention are applicable in the occupied territories.

94. Secondly, the High Court of Justice recommended to the executive authorities of Israel that they review the decision to expel us, because the High Court was convinced that the decision to expel us was a political decision and not a legal one. However, in spite of the recommendation of the High Court, Mr. Menachem Begin, the Prime Minister of Israel, persisted in his defiance of the resolutions of the Security Council, of international legality, of the norms of civilized behaviour, of Palestinian and Arab public opinion both inside and outside Palestine, of a large segment of Israeli public opinion, and of world public opinion at large. In defiance of everything, Mr. Begin certified our fate by expelling us.

95. On every occasion, Israeli representatives claim that Israel is a democratic society and that it upholds the law. Mr. Blum has just said that. But our own experience—our tragic experience that this Council has followed with us from its very beginning—proves the fallacy of those Israeli claims. If there were any

validity to the claims of the Israelis, I would not be here before the Council; I would be in Al-Khalil attending to my duties there and serving the people who elected me.

96. If the Israeli authorities can commit all these atrocities against two elected mayors, and can do this in full view of the world, can you imagine how Israel deals with the hundreds and thousands of our people who are not elected mayors?

97. We were expelled, then gaoled and then expelled again. When we were in gaol and they came to expel us again, we asked them to keep us in gaol and not to expel us again; but they refused. And they did this while the whole world looked on. Our people in occupied Palestine are shot at in the streets of their towns and villages, are beaten in their schools and on their farms. Can you imagine—can you even venture a guess about—the way the Israelis behave when no one can

see them behind the closed doors of military occupation? What little information the information media have been able to smuggle out is but a small indication of what goes on. And now the international media are also under siege by the Israeli authorities.

98. One can rent a room in a hotel, buy an airplane ticket, rent a car or a house; but one cannot rent a homeland. I am a Palestinian. My homeland is Palestine. If I am made a refugee and I cannot go back to Palestine, where shall I go?

The meeting rose at 1.20 p.m.

NOTE

¹ United Nations, *Treaty Series*, vol. 75, p. 287.