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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 February 1988, at 3 p.m.

Chairman: Mr. SENE (Senegal)

CONTENTS

Question of the violation of human rights in the occupied Arab territories,
including Palestine (continued)

The right of peoples to self-determination and its application to peoples
under colonial or alien domination or foreign occupation (continued)

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The meeting was called to order at 3.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1988/3, 4, 5, 21, 51; E/CN.4/1988/NGO/1, 3, 8, 18, 21; A/42/650, A/RES/42/160/A to G; S/19443)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1983/13, 14, 41; E/CN.4/1988/NGO/10, 17, 19; A/42/616-S/19174, A/43/66-S/19381) (continued)

1. Mr. OBADI (Observer for Democratic Yemen) said that the question of the violation of human rights in the occupied Arab territories, including Palestine, was unfortunately the subject of particular attention in 1988 because of the prominent place the media were giving to recent events in the Gaza Strip and the West Bank. Media reports had shown the type of barbaric colonial practices the Zionists were resorting to in sending their soldiers against defenceless people and children, thus illustrating Israel's obstinacy and its contempt for world public opinion and the resolutions of the United Nations. The world now appreciated the gravity of the situation: the new generation which had grown up under occupation, deprived of hope, and had decided to take its future into its own hands and to rise against arbitrary treatment and oppose the fait accompli policy which the occupying Power was seeking to impose.

2. As was shown by the reports of various United Nations bodies, including that of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/42/650), Israel's policy was based on annexation, establishment of settlements, expulsions and confiscation of Arab property in order to modify the demographic composition of the territories, arbitrary arrests and administrative detention, with the ultimate objective of simply eliminating the Palestinian identity and thus "doing away" with the problem. That was a policy of genocide as the latter was defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and similarities could be seen between the Tel Aviv and Pretoria régimes, as had been pointed out in a United States newspaper, the New York Times.

3. The victims of yesterday were today playing the role of executioner and Zionist logic was running counter to history, as Nazi logic had done. The Middle East would have no stability, and the Palestinian people would not end their struggle until Israel had withdrawn from the occupied territories and until the Palestinians and the PLO, their sole representative, were able to exercise their inalienable rights: the right to return to their country, the right to self-determination and the right to establish their own State. The world community had a duty to end the occupation imposed on the Palestinian people and to enable the latter to exercise its right of self-determination.

4. Mr. ROBEL (World Confederation of Labour) said that, since the establishment of the State of Israel, consideration of the situation of human rights in the occupied Arab territories had revealed a number of facts. The Israeli army had terrorized hundreds of thousands of Palestinians into fleeing their homes and land and becoming refugees. Since 1967 the forcible occupation of the Arab territories had constituted a violation of the provisions of the Charter of the United Nations and, for the people concerned, a denial of the right to decide their own destiny.

5. Furthermore, through war and a series of subterfuges, Israel had taken over territory. Jerusalem, an international city, had been intensively settled since Israel had seized it in 1967, despite United Nations resolutions on the question. In violation of the Fourth Geneva Convention, major settlements had been concentrated in the Jordan Valley in order to cut the West Bank from the East Bank and thus limit the development of an independent Palestinian State. Finally, Israel had created disparities in the granting of funds, particularly for water supplies for agriculture, for public health and for education; most of the grants going to the Jewish communities.

6. With regard to employment, owing to the expropriations the Palestinians of Israel had been proletarianized and held the lowest-paid jobs in agriculture, construction and public works. The occupation, in 1967, of the West Bank and the Gaza Strip had marked the beginning of massive exploitation from which Israeli employers had benefited, the Arabs being kept in minor posts for which no Jewish worker was available. Statistics showed that, for the same job, a Palestinian received only 60 per cent of the wage paid to a Jew. Furthermore, wage deductions of up to 30 per cent were imposed on the Palestinians for taxes and for purported health and social insurance benefits which they did not in fact receive. Those considerable sums were administered by the Israeli military authorities, who had also restricted the establishment and operation of trade unions, the leaders of which were being persecuted.

7. With regard to the rights of Palestinian citizens, the Israeli Government had prevented refugees from returning in any number to their homes. Free choice of place of residence was subject to practical or legal restrictions. Political parties were prohibited in the occupied zones and contact with so-called "hostile" organizations, meaning the PLO, were forbidden. Freedom of association was heavily restricted. Meetings organized by trade union members were subject to authorization and a number of active members had been arrested. Military ordinances limited freedom of expression, of assembly and of the press, as well as freedom to import newspapers and books. In the occupied zones, education was subject to censorship of school textbooks, closures of schools and universities, and the expulsion of teachers. In brief, the policy being applied by Israel in Palestine was making the Palestinians foreigners in their own land.

8. In 1979, the Security Council had stated that the Israeli practices were a serious obstacle to the establishment of a global, just and lasting peace in the Middle East. The intervention by the armed forces, which was totally disproportionate to the foreseeable uprisings which had taken place, had already cost the lives of 43 Arabs. Hundreds of Palestinians had been unjustly beaten, arrested, tortured and sentenced. In spite of international warnings, Israel had decided to expel Palestinians to Lebanon.

9. A curfew had been declared, as well as an economic and military blockade, and hundreds of thousands of Palestinians in Gaza and the West Bank were affected by interruptions of food supplies. Palestinian workers obliged to earn their living in Israel could no longer travel to their work and many had been dismissed. Since 4 February, all schools had closed, thus depriving 250,000 children of education.

10. Those Israeli methods were being criticized on all sides, but there was no question, as yet, of any peace offensive. The proposal of the PLO leader Yasser Arafat that an international peace conference should be held in exchange for recognition of the State of Israel had been rejected by the Israeli Government.

11. The World Confederation of Labour called for an end to all practices which constituted a violation of the human rights of the Palestinians and to the brutal repression which was causing an escalation of violence in the region. In its view, only dialogue and recognition of the right of the Palestinians to self-determination in their own territory could lead to a lasting solution. The problem was now urgent and the world community should take measures forthwith to ensure the security, protection and well-being of the Palestinian people. It should do everything possible to ensure the holding under United Nations auspices of an international meeting of all the parties involved in the Arab-Israeli conflict, including the PLO and other organizations working for peace and freedom in Palestine.

12. Mr. MARTIUS (Federal Republic of Germany) said that he proposed to speak under agenda item 9.

13. One of the greatest achievements of the United Nations in the four decades of its existence had been its role in the granting of independence and freedom to the vast majority of the peoples of the world. The States Members of the United Nations now numbered 159 - more than three times the number of States which had founded the Organization. The right of self-determination had become a cornerstone of the order on which the United Nations had been working since its foundation: a system of co-operation among States based on equality.

14. The past four decades clearly showed that the process of decolonization must be accompanied by a continuous evolution of the concept of the right of self-determination. Article 1, paragraph 2, of the Charter defined the development of friendly relations among nations as one of the purposes of the Organization, and stipulated that such relations should be based on respect for the principle of equal rights and self-determination of peoples. The Universal Declaration of Human Rights, however, made no reference to the right of self-determination. Later, in 1960, an attempt had been made to define the principle of self-determination more precisely in the Declaration on the Granting of Independence to Colonial Countries and Peoples. In that Declaration a link had been established between that principle and human rights, but the Declaration did not define self-determination as a human right. Since 1966, when the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had been adopted, the principle of self-determination had been accepted as an inalienable human right (art. 1 in both instruments). The latest step in the evolution of the definition of the right of self-determination had been taken in November 1981, when the General Assembly had adopted resolution 35/35 B which stated that military intervention and foreign aggression and occupation were a violation of the right of self-determination.

15. That evolution illustrated an important point, namely that the right of self-determination was a dynamic concept and not a static one, and that it had much broader implications than freedom from colonial rule and foreign domination. The right of self-determination had therefore not been realized automatically once and for all when a people had been freed from colonial rule

or foreign domination. Security against military intervention and foreign aggression and occupation was also essential for the exercise of that right, which nevertheless also necessitated a continuing process that included the development of a social order, the definition of economic, social and cultural values, and the choice of a Government through regular free elections. There was no society which did not need to adapt itself constantly to the changing requirements and aspirations of its members.

16. That was why the exercise of the right of self-determination was directly related to the right of the individual to take part in the conduct of public affairs. The right to vote and to be elected was an integral part of the right of self-determination, which was therefore linked to the exercise of many other rights, such as the right to freedom of thought and conscience, the right to freedom of expression, the right to freedom of association, the right to freedom of movement and the right to security of the person. It could therefore be said that it was only where all those human rights were fully realized and people had been able freely to express their will that the right of self-determination really flourished.

17. Unfortunately, the right of self-determination was fragile and was threatened both from within and from without: totalitarian ideologies which openly abolished the democratic process, cross-border intervention by military force, new forms of colonialism which replaced earlier ones and new policies of hegemony which were just as irreconcilable with the right of self-determination.

18. Many of the problems endangering peace in various parts of the world were basically violations of the right of self-determination. That right was of central importance to solution of the problems of southern Africa, the Middle East, Afghanistan and Kampuchea. In Namibia, where South Africa was continuing its illegal occupation and denying the people their right to independence and self-determination, the Federal Republic of Germany demanded the full implementation of Security Council resolution 435 (1978).

19. The right of the Palestinian people to self-determination must be realized within the framework of a just, lasting and comprehensive peace settlement in the same way as the right of all States, including Israel, to live within secure and recognized borders. The alarming deterioration of the situation in the occupied territories underlined the urgent need for a political solution. His country called on all the parties to agree on the early convening, under United Nations auspices, of an international peace conference.

20. The occupation of Afghanistan by Soviet troops, which had lasted for more than seven years, must now be brought to an end. The Federal Republic of Germany was one of the group of States which, at the forty-second session of the General Assembly, had once again condemned the occupation of Afghanistan as a flagrant violation of the right to self-determination of the Afghan people. It hoped that the human rights of that people would soon be fully restored. The military presence of Vietnamese troops in Kampuchea was a violation of the right to self-determination of the Khmer people and should also be brought to an end as soon as possible. In Europe, the right of self-determination was not realized everywhere. The German nation was divided against its will. In that case, too, the Federal Republic of Germany was committed to the aim of working for a state of peace in Europe in which the German nation would regain its unity through free self-determination.

21. His Government considered respect for all human rights to be one of the pillars of its foreign policy, which was guided by the belief that universal peace required universal respect for human rights. Violation of human rights was a violation of peace.

22. Mr. GIACOSA (International Youth and Student Movement for the United Nations) said that the aim of his organization, established in 1947, was to promote among the youth of all countries the principles and ideals which had governed the establishment of the United Nations.

23. At the Commission's forty-third session, the Movement had expressed its deep concern at the continuing violations of human rights in the occupied territories of the Middle East, and in particular at the tragic situation of Palestinian youth, which it had itself witnessed in the course of a mission of inquiry. Events in the occupied territories since the Commission's previous session had unfortunately confirmed the Movement's findings. Reports from the General Union of Palestinian Students, an associate member of the Movement, confirmed the steady deterioration of the situation and the intensification of repression in schools and universities. The obstacles to freedom of education imposed by the occupation authorities were increasing, and student protests were quelled with violence in order to intimidate young people and teachers. It could be said that there was now no school or university activity taking place in the occupied territories and the repression was also affecting cultural activities organized by young people. Once again, young Palestinian members of the Movement had been unable to participate in the seminars and workshops held in Europe in 1987, either because they had not been allowed to leave the territory or because they had been afraid that they might not be allowed to return to their homes.

24. The employment situation was no better and, in order to survive, young people were having to accept the most unpleasant, unskilled or lowest-paid jobs. The discriminatory measures being applied by the authorities were condemning young people to a life of poverty in their own country, without any prospects for the future. Nevertheless, the young people had retained their integrity and dignity, and were resolved never to give in.

25. Compared with previous years, the only new development was that, for the first time in the 20 years which that tragic situation had endured, the mass media were reporting the many and continuing violations of the rights of the Palestinian people, violations which formed part of the occupation authorities' plan aimed primarily at annexing the Arab territories once and for all. There could be no other justification for such repression or, in particular, for the use of firearms against children and teenagers armed only with stones, whose only fault was that they could no longer stand living under the continuous control of a foreign police force and that they wished to make their territory a free country. Aroused by the deaths of several Palestinian students who had become victims of the repression, the Movement sought and demanded the immediate ending of that policy, which had the character of genocide. Confident in the United Nations, it hoped that the Commission on Human Rights would denounce those practices and would spare no effort to bring them to an end. Being convinced that there was no other solution than a global settlement of the conflict, which was threatening the peace and prosperity of the region, the Movement hoped that the United Nations would be able to convene a Middle East peace conference with the participation of all the parties involved, including the PLO, the sole legitimate representative of the Palestinian people.

26. Mr. LAMBERT (Parliamentary Association for Euro-Arab Co-operation) said that he unfortunately had to draw attention to certain changes needed in the written statement submitted by his Association (E/CN.4/1988/NGO/18), dated 15 December 1987. Since that date, the number of persons killed had risen from 25 to 44 and the number of cases of administrative detention had risen from 105 to 129. The Association had already warned of the inevitable risk of exacerbation following 20 years of occupation. Living conditions in the territories occupied by Israel had deteriorated further and violations of human rights had increased. It was deplorable that it had become necessary for there to be two deaths daily for world public opinion to become interested in the fate of the Palestinians. The revolt had been latent, however, and was simply the foreseeable outcome of the policy of repression and of the slow deterioration of the territory's economy which had begun in 1967.

27. The question of children and teenagers arrested, tortured and imprisoned by the Israeli authorities deserved special attention. There was a complete juridical vacuum as far as the treatment of delinquent children and minors was concerned, and they were subject to the same arbitrary justice and the same Draconian measures imposed by the military courts as were adults, often being sentenced to terms of imprisonment which were in flagrant conflict with all the rules of international law, including article 10, paragraph 3, of the International Covenant on Civil and Political Rights, which required special treatment for juvenile offenders. A very disturbing fact was that there were no juvenile courts in the occupied territories. Indeed, the military courts appeared to have hardened their position since publication of the report of a commission set up by the Israeli Government after a lieutenant in the Israeli army had been able to assert his innocence after seven years in prison and to demonstrate that his "confession" had been extracted under torture. Despite that, the Israeli Government, far from condemning torture, did not prohibit torture in the case of Palestinians but merely recommended that it be toned down.

28. His Association had formally proclaimed its solidarity with the popular uprising in the occupied territories and had reaffirmed its support for the Palestinians' right of self-determination. It was convinced of the need to convene an international conference under United Nations auspices, with the participation of all the parties concerned, including the PLO. He drew attention to the fact that the holding of such a conference was supported by some Israelis, whose patriotism could not be questioned but who bravely opposed the discriminatory actions of their Government. His Association and other members of the International Co-ordinating Committee for Non-Governmental Organizations on the Question of Palestine believed they should continue to seek a negotiated solution while at the same time denouncing the repeated and multiple violations of human rights committed by Israel against the Palestinians.

29. Mr. ABU EISSA (Union of Arab Jurists) said that his organization, established in 1944, was co-operating with all non-governmental organizations working for the freedom of peoples, in accordance with modern international law. The Commission's forty-fourth session was of particular importance for peoples which supported peace and justice and had recently witnessed decisive developments in the struggle of the Palestinian people to regain their inalienable rights. That struggle against oppression had received the unanimous support of the Security Council of the United Nations and of the great majority of States. For 20 years warnings had been addressed in vain to the Zionists who wished to create a greater Israel extending to the Nile.

Israel was still refusing to implement the resolutions of United Nations bodies, in particular those calling for the restoration of their territory to the Palestinian people. The Governments of all States recognized the PLO as the sole representative of the Palestinian people, and the conflict could be settled through an international conference in which the PLO participated, if Israel agreed. However, that country preferred the negotiations to take place only between victors and vanquished, so that the victors might impose their law without the world community being aware of what was afoot.

30. The world was now witnessing a veritable popular uprising against imperialism. What Israel was repressing, with the strategic support of the United States of America, was not a one-time manifestation of despair, but a national liberation movement. There was a clear similarity between the Israeli practices and those of the racist régime in South Africa. The Gaza Strip and the West Bank were the Soweto of Palestine. Just as the régime in South Africa used its black citizens as cheap manpower, the State of Israel was relegating the Palestinians to the status of labourers for the settlers who were occupying their land. The only conclusion which could be drawn by a neutral observer of that situation, for which there was no legal basis, was that it was purely and simply a case of genocide. If the world community was to ensure that justice and the principles of international law prevailed, it must insist on observance of the international instruments relating to war crimes and crimes against humanity. Israel, which sought to justify its practices in the occupied territories with the simplistic and unacceptable argument that the neighbouring States did not respect human rights, should be condemned.

31. At an extraordinary session of its Council, the Arab Organization for Human Rights, of which he was a member as Secretary-General of the Union of Arab Jurists, had condemned Israel's violations of all the rules of international law and had decided to demonstrate its solidarity by making a contribution of \$US 100,000 to alleviate the suffering of the victims of torture, expulsion and repression in the Palestinian territories.

32. Mr. AVERY (Amnesty International), referring to the violence and severity of the Israeli reaction to the protests by the population of the occupied territories, said that since 9 December 1987 - the start of the demonstrations - at least 39 demonstrators and bystanders (many more according to Palestinian sources) had been shot dead in the West Bank and Gaza. Many others had been wounded, not only by gunfire, but also as a result of deliberate beatings by the armed forces, apparently with the assent of Mr. Rabin, the Minister of Defence.

33. In December 1987, Amnesty International had urged the Minister of Defence to order a thorough investigation of each of those incidents so as to determine whether the security forces had complied with official regulations governing the use of firearms and whether the victims had been engaged in life-threatening activity. Amnesty International understood that some investigations had been carried out, but it was concerned that not all cases had been investigated and that the use of live ammunition and beatings were continuing.

34. In addition, arbitrary arrests had been carried out without warrants and without telling people why they had been arrested, including some people who had not been involved in disturbances. There had also been mass arrests, and

teenagers had been arrested in their homes at night. Many detainees had been held incommunicado and some had been denied access to lawyers or their families for up to two weeks.

35. Defendants had been denied basic rights in summary trials held in late December and January. Before lawyers had decided to boycott the trials, they had complained that they had not been given enough time to prepare their cases, had not been given details of the charges before the court hearing, had not been told of the date of the trial and had not always been allowed to see their clients beforehand. Trials had continued after the boycott. Defendants, including 14 and 15-year-olds, had been tried and convicted without being represented at all.

36. During the past year, Amnesty International had noted with concern the increasing number of reports from the occupied territories of ill-treatment and torture to extract information or confessions or to harass or to intimidate. Interrogation methods had, according to certain reports, included hoodings, beatings all over the body, including the head, genitals and soles of the feet, being hung by a rope from the ceiling and swung from wall to wall, prolonged exposure to cold weather or air-conditioning, solitary confinement for between 2 and 15 days, sleep deprivation, and verbal abuse and threats. Two detainees had said they had been subjected to electric shocks. Some investigations had been carried out following complaints of ill-treatment, but lawyers said that complaints were often ignored, after which the complainants were subjected to intimidation. Since 1986, Amnesty International had urged the Israeli authorities to carry out a thorough investigation of 11 sample cases of ill-treatment, but only 1 investigation had been conducted and the lawyers had not considered it satisfactory.

37. For many years, Amnesty International had been concerned about the administrative detention or restriction to towns or villages of political activists (journalists, students, and members of trade unions, women's and human-rights organizations) in the occupied territories. As Amnesty International had already told the Israeli Government, those orders could be and had been abused in order to detain people for the non-violent exercise of their right to freedom of opinion and expression, and judicial review in the military courts was inadequate to prevent such abuse. Moreover, the persons concerned were not given full details of the reasons for the order, which made it impossible to challenge it effectively.

38. Amnesty International called publicly on the Israeli authorities to take immediate action aimed at curbing human rights violations in the occupied territories. The Israeli Government should take the following action. First, it should conduct a thorough and impartial investigation of all killings by members of the Israeli armed forces in the occupied territories since 9 December 1987, and make public the results of that investigation. Secondly, it should take steps to restrict the use of force by Israeli soldiers in the occupied territories. In that connection he cited the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169), article 3 of which should be fully respected, particularly in the light of the relevant commentary, which read: "Every effort should be made to exclude the use of firearms ... In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender". Thirdly, it should take steps to prevent the use of

unreasonable force in maintaining law and order; numerous reports currently described behaviour going beyond reasonable force. Force should not be used against people who had been wounded or were in custody. Fourthly, it should ensure that no one was arrested and detained arbitrarily and that anyone arrested was informed of the reasons for his arrest. Relatives and lawyers should be informed of the whereabouts of detainees. Fifthly, it should guarantee that every detainee had adequate time and facilities for the preparation of his defence, and prompt and regular access to counsel of his choosing, and that everyone should have the opportunity to examine and have examined the prosecution witnesses and to obtain the attendance and examination of defence witnesses under the same conditions. Sixthly, it should prevent anyone from being administratively detained or restricted on account of their non-violent political activity and without being informed of the evidence against them. Seventhly, it should investigate all complaints of torture of detainees, and the methods and findings of such investigations should be made public. The highest Israeli authorities should make clear to all law-enforcement personnel that they would not tolerate torture and ill-treatment, and that "exceptional circumstances such as a state of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment" (Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3). The rules of international humanitarian law applicable in armed conflict confirmed the prohibition.

39. Mrs. DAYAN (Women's International League for Peace and Freedom) observed that the various non-governmental and humanitarian organizations had already been very busy denouncing the human rights violations related to what the Israeli sociologist Meron Benvenisti called the "routine" of Israeli occupation. Since the recent events, however, the suffering of the Palestinian civil population had reached a new peak. The press had widely reported the violent way in which the demonstrations in the occupied territories were broken up and a whole population subjected to a régime of humiliation and terror. But perhaps insufficient mention had been made of the systematic use of tear-gas in enclosed areas, the miscarriages caused by such experiences and night-raids by the army on the camps: doors and sometimes roofs were broken down, leaving the inhabitants exposed to the winter weather, "suspects" were severely beaten, and if their relatives tried to intervene, they were ill-treated in turn.

40. During her recent stay in the occupied territories, she had heard two young men from a camp near Bethlehem describe the conditions in which they had been arrested on 21 and 22 December and then imprisoned in Dhahary'a detention camp: their home had been broken into and they had been kept for 24 hours in a "cage" in the military district of Bethlehem, where young men were deprived of food and crammed together without permission to go to the toilet. They were blindfolded and handcuffed, and then loaded on to a lorry which took them to prison. They were not allowed to speak or smoke, and were violently beaten. On arriving at the prison, they were again beaten. There was a difference between the treatment of Palestinians arrested in Gaza and those arrested in the West Bank. In Gaza, some prisoners were so severely ill-treated that they had to be taken to hospital. Conditions of detention at Dhahary'a, and at Fara'a and Ansar II were very poor: overcrowded cells, sleep deprivation, and insufficient food, blankets, medical care and basic hygiene. Interrogation sessions were interspersed with blows, insults, threats, and physical and psychological ill-treatment. Prisoners were forced

to remain standing for hours, with a foul-smelling bag over their head, without food or drink, and without being allowed to go to the toilet, the objective being to secure stereotyped confessions. If the prisoners, who were in most cases very young men, confessed because they could stand the treatment no longer, they were given heavy sentences by a mock court. If they did not, they had a chance of being released after 15-20 days, but they were often re-arrested shortly afterwards.

41. Those facts, along with many others, highlighted the deprivation of elementary rights suffered by the population of the occupied territories. The only possible solution to that situation was a political one, but pending its implementation, the only course was to demand that everything possible be done to protect the Palestinian civil population.

42. Mr. KHOURI (Union of Arab Jurists) said that, as was readily apparent, since the Commission's previous session, the human rights situation in Palestine had deteriorated, the repression of Palestinians had been intensified and the State of Israel had taken one more step into illegality. Continuing to flout the principles of law, United Nations resolutions, international conventions and, in particular, the provisions of the Fourth Geneva Convention, Israel claimed to be a State above the law, an outlaw State. The thousands of young Palestinians who were now in the midst of a "stone-throwing revolution" and had known nothing but Israeli occupation, like their brothers in the Syrian Golan before them, were proclaiming their total opposition to occupation and their utter rejection of Israeli policy towards the Palestinian people.

43. Those young people called to mind two or three obvious facts which diplomacy was no longer able to hide: the moral and legal requirement of respect for human rights was indissociable from the political requirement of respect for the rights of the people. Defying an attempted genocide, those young people also called to mind the fact that, whenever a State had violated the rights of a people, it had violated human rights. In fact, there was no such thing as a "clean" occupation. Israel could not be invited to respect the human rights of the Palestinians without being urged to respect the rights of the Palestinian people, and above all their right to live on their own land, their right to self-determination.

44. The Palestinian people proclaimed their attachment to their homeland and their attachment to their organization, the PLO. The international community had heard the Palestinians, and Israel must take note and act accordingly, failing which all talk of human rights would amount only to so much amiable, fruitless chat while an attempted genocide was under way.

45. The second obvious fact that those thousands of young Palestinians were calling to mind was that the diabolical sequence of human rights violations in Palestine was now affecting the Israelis themselves, for it was Israel's own rights that were being infringed - their right to information, to freedom of movement and to freedom of expression. A people which oppressed another people could not be free. As far as human rights were concerned, every occupation régime ended up costing the occupying Power's own citizens dear.

46. Recalling the words of a French Resistance poet who, in the face of the Nazi soldiers who were about to execute him, had exclaimed: "You poor people, I am dying for you as well!", he said that the thousands of Palestinians in Gaza, the West Bank and elsewhere in Palestine were demonstrating, suffering and even dying to safeguard human dignity.

47. In the view of his organization, the only way out of the present situation lay in the termination of Israeli occupation, recognition of the rights of the Palestinian people and its organization, the PLO, and the holding of an international conference on peace in the Middle East, with the participation of all the parties concerned. For that reason, his organization hoped that the Commission would adopt a clear and unambiguous resolution in order to put an end to the veritable policy of genocide against the Palestinian people and to restore reason, dignity and peace to the peoples of the region.

48. Mr. BANGOURA (Afro-Asian People's Solidarity Organization) expressed confidence that, through the way in which he would conduct the work of the session, the Chairman, an eminent African diplomat and a pioneer in the great Afro-Asian movement, would advance the cause of human rights.

49. His organization (AAPSO) represented the peoples of the continents of Asia and Africa in their just struggle for freedom, independence, sovereignty, peace, social and economic progress, and respect for human rights and the rights of peoples, in accordance with the principles of the Charter of the United Nations.

50. The current session of the Commission not only coincided with the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, but was being held in a new international political context, characterized by a more realistic approach to crucial international problems. Thus there was renewed hope for a world in which confrontation and distrust would give way to trust, understanding and co-operation. As had already been pointed out on numerous occasions, the chief pointer to that new political atmosphere was the signing, by the Soviet Union and the United States of America, of the historic treaty on the elimination of short- and medium-range missiles, which had been particularly welcomed by the Afro-Asian countries.

51. With regard to human rights violations in the occupied Arab territories, including Palestine, the AAPSO, which ever since its inception had stood alongside the Arab liberation movement and the Arab people of Palestine in their legitimate struggle against Israeli occupation, expressed its deep concern at the deterioration of the situation in the occupied territories, which had now been transformed into a veritable war zone where every day defenceless children, women and civilians fell to the bullets of the Israeli occupation forces. Although that occupation in itself constituted a flagrant violation of human rights and the rights of peoples, the Israeli authorities, on the pretext of reasons of security and law and order, were systematically pursuing their policy of State terrorism, characterized by the illegal annexation of a part of the territories, including Jerusalem, the establishment of new settlements, and the expulsion, removal and deportation of the indigenous Arab inhabitants.

52. Those practices, whose sole purpose was the outright liquidation of the Palestinian people, must not be perpetuated. The popular uprising which now inflamed occupied Palestine was, in that respect, deeply significant. For that reason, the AAPSO once again appealed to the international community and, in particular, its friends in Tel Aviv to intensify their pressure on Israel with a view to the immediate and unconditional withdrawal of Israeli troops from all the occupied territories. The Palestinian question remained the root cause of the Middle East conflict, and its solution was dependent on the convening of an international conference, to be attended by the five permanent members of the Security Council, all other parties concerned and the PLO, the sole representative of the Palestinian people, in order to enable that people to exercise its right to live in complete independence within its own State. In addition, the AAPSO continued to support the struggle of the Syrian and Lebanese peoples for the reunification of their lands, and that of the Cypriot people for the exercise of their right to self-determination.

53. Mr. TABIBI (World Muslim Congress) observed that the right to self-determination was a cardinal principle of jus cogens, embodied not only in Article 1 of the Charter, but also in the Universal Declaration of Human Rights and the two International Covenants on Human Rights. That principle was the prerequisite for implementation of, and respect for, other principles of international law such as territorial integrity, independence and the right to life.

54. His organization was very concerned at the numerous violations of human rights all over the world. In Asia, for example, a super-Power had overthrown a Government of which it disapproved in order to set up a Government of its choice: nine years before, the cardinal principle which he had mentioned had been brutally violated in Afghanistan by a neighbouring Power, with which Afghanistan had, however, concluded neutrality, friendship and non-aggression pacts, and with which it had been the first to establish diplomatic relations after the October Revolution in 1917. It was well known that ever since the eighteenth century Afghanistan had pursued a policy of neutrality between tsarist Russia and the colonial Power, Britain, and that it had been one of the founders of the non-aligned movement. For the first time, that country's sovereignty and independence had been violated nine years before, following an invasion which had been condemned by the General Assembly of the United Nations, the Commission on Human Rights, the Islamic Conference, the non-aligned movement, and indeed the whole world. One third of the Afghan population had been obliged to seek refuge in Pakistan and Iran, 1.5 million Afghans had become martyrs or had been maimed in their fight for freedom, and their peaceable country now lay in ruins.

55. However, it would seem that a new wind was blowing and that there was now talk of reconciliation, a coalition Government, the withdrawal of Soviet troops and the establishment of a neutral Afghanistan. Mr. Cordovez, the Special Representative of the Secretary-General of the United Nations, was shuttling between the capitals concerned. After 60 years of good neighbourly relations based on scores of treaties, and after Lenin himself had paid tribute to the Afghans' love of liberty, the Afghan population had never imagined the fate that had befallen them. It was therefore understandable that they should be distrustful of future arrangements for peace. The Afghan tragedy concerned only the Afghans, who were the victims of aggression, and the Russians, who were violating their fundamental rights. However, those who were negotiating under United Nations auspices were not the real parties to the issue. A tribute was due to Pakistan, whose assistance in the name of

Islamic solidarity the Afghans would never forget. Nevertheless, the Afghan resistance was not associated with the moves under way and was not aware of the details of the four agreements under consideration by the United Nations.

56. His organization hoped that the Soviet Union would negotiate with those who had confronted it on the battlefield, namely, the Afghan leaders and their genuine representatives, and that it would halt the genocide that was being perpetrated in several regions of Afghanistan. The Soviet Union must prove that it desired peace and good neighbourly relations by leaving Afghanistan as quickly as logistically possible, without any conditions. It must not insist on the installation of a Government of its choice and must respect the right to self-determination of the Afghan people, without any interference by East or West. Afghanistan wanted to remain a truly neutral and non-aligned country.

57. The world at large, and particularly the Afghans, were awaiting the outcome of the final round of United Nations negotiations in Geneva during the current month. It was to be hoped that the Soviet Union would prove its sincerity by remedying the situation it had created nine years before and leaving the Afghans to live in peace with their neighbours and the other States Members of the United Nations. Violations of the cardinal right of self-determination were among the gravest violations of human rights, undermining the basis for fraternal relations between peoples, and destroying peace and trust.

58. The CHAIRMAN noted that several speakers had referred to the reports submitted by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and by the Special Representative of the Secretary-General; they had pointed out that a vicious circle of violence in the region had driven the Palestinians to revolt and the Israelis to crack down on them. Measures must be taken immediately to ensure the security, protection and well-being of the populations of the occupied Arab territories. The occupying Power must conform in all circumstances to the provisions of the Geneva Convention of 1949 and the Hague Convention, desist from practices which violated the human rights of the Palestinian people, and enable ICRC and UNRWA to conduct their humanitarian activities. Everything possible should be done to bring about peace, for without peace the uprising would continue to spread. In other words, prospects other than despair and violence must be offered, by giving the populations concerned the certain possibility of peace; there was accordingly an urgent need to organize an international conference on peace in the Middle East, under United Nations auspices, with a view to achieving a just and lasting solution to the conflict. That desire for peace was being demonstrated at that very moment by President Mubarak of Egypt and King Hussein of Jordan who were travelling the world to promote such a solution, and by many diplomats who were attached to that cause.

59. In a statement to the newspaper Le Monde the previous day, a prominent Saudi benefactor, Prince Talal Ben Abdulaziz, who was associated with numerous United Nations assistance projects all over the world, had said that he was in favour of "a global peace between Israel and all the Arab States". The recent Amman "summit" had lent its support to an international peace conference, but in 1982 already the Fez "summit" had called for peaceful co-existence between all the States of the region, and that naturally concerned Israel. Prince Talal had gone on to say that Israel now opposed any form of peace because it believed that it could not live in peace with the Arabs, which was not true. A few weeks before, the President of Israel had stated in London

that the rioting in the occupied Arab territories had been fomented by fundamentalist groups financed by Saudi Arabia. Prince Talal had raised the question why Muslim and nationalist movements should not be supported and financed in order to combat Israeli settlement; Israel was now divided into two camps, and it was obliged to support those who favoured an international conference.

60. Prince Talal had then reviewed without complacency the situation of the Arab world, and emphasized that the Arab countries must not always point an accusing finger at the West because of its concern for Israel. The Arab States themselves must co-operate.

61. As to the war between Iraq and Iran, Prince Talal had said that thought must be given to co-existence with Iran and that wise men, on both sides, must meet and work out a solution. Imam Khomeini represented a gleam of hope for the Shi'ites who had been oppressed for so long. Referring to the rise of fundamentalism, Prince Talal had explained that the ordinary people were Muslims and were sympathetic to the fundamentalist movements. Efforts must be made to ensure that those movements did not set about overthrowing established Governments, but no Arab régime could neglect popular feeling. The West, which must also be alive to that phenomenon, was wrong to fear that Islam was so strong that it could overrun it. That had been in the past; today a dialogue must be initiated between Sunnis and Shi'ites and between Islam and Christianity if extremist Islam was to be moderated.

62. Because that region of the world had seen the birth and development of three great religions which all advocated peace of heart and mind, brotherhood and love of one's neighbour, the Commission was duty bound to put an end to the use of violence and brute force, which only fanned hatred, fed extremism, exacerbated attitudes and dispelled hopes of peace. The Commission's role was to help the men, women and children of the region to overcome their racial and religious prejudices, the feeling of superiority and the desire for power which engendered aggressiveness and aberration. In any event, the determination of the peoples of the occupied territories to recover their rights indicated, at the very least, the path of hope. It was for the international community to adopt measures to guarantee the protection and security of those peoples, so as to enable them to exercise their inalienable rights and to ensure that efforts to defuse tension in the region were successful.

63. Since 1988 marked the fortieth anniversary of the Universal Declaration of Human Rights, everything possible must be done to change the course of history in that region and to restore the rights and freedoms of the Arab and Palestinian people so that it could regain its dignity in the context of international legality.

64. In conclusion, he expressed the hope that the draft resolutions to be submitted on that question would reflect the realities evinced during the deliberations and would be worded in such a way as to secure the support of a broad majority and thus be credible.

65. Mr. YOUSSEF (Iraq) observed that the Chairman had expressed a number of constructive ideas contributing to the realization of the rights of peoples and human rights. He requested that the Chairman's statement should be reflected as faithfully as possible in the summary record of the meeting.

The meeting rose at 5.30 p.m.