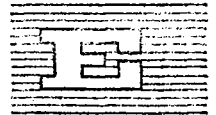


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1588th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 5 February 1981, at 4.30 p.m.

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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The meeting was called to order at 4.40 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1418 and Add.1; E/CN.4/1422; E/CN.4/1423; E/CN.4/1456; A/35/13; A/35/35; A/35/227; A/35/425; A/35/438; A/35/473; A/35/533; A/35/563; A/35/583)

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.4/1432; E/CN.4/1451; A/RES/35/35 A and B)

1. Mr. BARAKAT (Jordan) informed the Commission that an unforeseen obligation had prevented Crown Prince El-Hassan Ben Talal from coming to address the Commission in response to its invitation. The Crown Prince had always shown particular interest in the work of the Commission and had requested him (Mr. Barakat) to express his support for it. In his statement he (Mr. Barakat) would refer to some of the topics which the Crown Prince might have wished the Commission to consider.
2. Violations of the human rights of Palestinians by Israel were not a spontaneous phenomenon. They could be explained by the goals and aspirations of the Zionist movement, which was based on the establishment of a Jewish State on Arab lands, free of their Moslem and Christian indigenous people.
3. As early as 1891, Asher Grinzberg had recognized that his brothers' liberation had awakened in them an inclination to despotism and that they treated the Arabs with hostility, deprived them of their rights, offended them without cause and even boasted of their deeds. It was tragic that Israel had been violating the fundamental human rights of the Arabs for nearly 100 years and that such violations were being committed by a people which had itself suffered persecution and oppression. Even more tragic was the indifference shown towards the sufferings of the dispossessed Palestinians and the inhabitants of the Israeli-occupied West Bank and Gaza Strip by those who had been quick to condemn the persecution of the Jews. It must, however, be admitted that in recent years more and more people had become aware of the fate of the Palestinians and, in particular, of the inhabitants of the West Bank and Gaza Strip, who had, for more than 13 years, been subjected to occupation characterized by the expropriation of Arab lands and absolute control of both human and natural resources. That policy had led to the denial to the inhabitants of the enjoyment and exercise of their basic rights, particularly the right to self-determination, and thus threatened the peace and stability of States in the region, including Israel. A people should have the right to determine its future for itself, but Israel would not be moved on that matter. As Mr. Begin had stated two years earlier, "there could not be any self-determination, as understood in international law and practice, for the Palestine Arabs". Why should the Palestinians be the only people in the world who could not exercise that right, their entitlement to which had been recognized by the leaders of several States, including Chancellor Helmut Schmidt? In fact, the right to self-determination was a set of rights that governed daily life. It followed that, by denying the Palestinians the exercise of that right, Israel was also denying them the rights to return to their homes, to control and manage their properties, to exercise their civic rights, to develop their communities socially, culturally and

economically, and to have their own religious courts, all of which were guaranteed by international law and practice. As an occupying Power, Israel enjoyed certain rights under international law, including that of making such changes in the laws and regulations of the occupied areas as were necessary for its security. The Government of Israel had, however, extended its legislation and administration far beyond the normal practice of an occupying Power and had been increasingly exercising powers akin to those of a sovereign Government. Israel was thus ensuring for itself the benefits of the actual annexation of the occupied territories, by, for example, removing many issues from the jurisdiction of Jordanian courts, including the religious courts, and that was creating countless problems for the population.

4. The Israeli occupation authorities had spared no effort to stifle and even liquidate Palestinian political leaders on the West Bank. Some Arab mayors who had demanded that the basic rights of their constituents should be respected had been expelled from their towns or maimed during attacks, while others had been subjected to restrictions on their freedom that had prevented them from meeting with other leaders of the occupied territories.

5. Restrictions on basic human rights and particularly on land and water rights favoured the establishment and maintenance of Israeli settlements, which were illegal under international law. Other restrictions related to freedom of movement, assembly, speech and expression and academic freedom, infringements of which raised the prospect of collective punishment. Alterations in Jordanian laws related to labour, taxation, weights and measures, and many other matters. According to a French advocate returning to Paris from a fact-finding mission to the occupied territories, "one in every two Arabs on the West Bank and the Gaza Strip has been held for questioning at least once since 1967". That was an awesome fact when one considered that those areas had a population of more than 1.2 million people. He noted in that connection that, according to document E/CN.4/1418, the sentence for resisting occupation ranged from 18 months' imprisonment to life imprisonment. The deplorable situation in the Israeli prisons had, moreover, been investigated by several international organizations, which had reached the conclusion that prisoners were subjected to inhuman treatment.

6. It should also perhaps be pointed out that, according to document A/35/425, the Permanent Representative of Israel had refused to co-operate with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. As everyone knew, the Special Committee relied on several international instruments in interpreting and carrying out its mandate. Yet the Israeli authorities did not allow it to perform its mandate and its members were not able to obtain information from the population of the occupied territories. It was paradoxical to hear the representative of the occupying authorities speak of human rights, while those authorities refused to co-operate with those who were trying to investigate the situation. Violations of human rights in the occupied territories were a continuous phenomenon and it might be opportune to consider authorizing the Bureau to act on any serious violations that might take place between sessions.

7. Mr. AREBI (Observer for the Libyan Arab Jamahiriya) welcomed the fact that the Commission had resumed the practice it had followed at its thirty-fourth and thirty-fifth sessions of considering agenda items 4 and 9 simultaneously, since it was difficult to deal separately with the question of the violation of human rights in the occupied territories and the question of the right of peoples to self-determination.

8. The flagrant and systematic violations of human rights in Palestine and the other occupied Arab territories were solely the result of Zionist aggression, supported by imperialism, against the Arab people of Palestine. It was in the name of zionism that persecution and racial discrimination were carried out against the Palestinian people, in a country where "the law" enabled those who had never been in Palestine "to return to it" and prohibited the Palestinians, who had their roots there, from returning to their homes. Although he had, at the past three sessions, drawn attention to the doctrine of zionism and the Zionist programme, he considered it useful again to draw attention to that matter because public opinion was, unfortunately, ill informed. Zionism was based on the theory that Jews throughout the world, wherever they were and whatever their degree of religious commitment, constituted a nation. Regardless of their citizenship or their status in their countries, Jews were supposedly a separate people, superior to others. The Zionist programme provided that Jews should leave their countries of origin and settle in their own State and that the non-Jews in the territory of that State should make room for them.

9. The Zionist movement had been able to exploit events to achieve its goals and establish a Zionist entity in Palestine by driving out nearly 2 million Arabs. Those who had remained in occupied Palestine were every day subjected to arbitrary arrest or prolonged detention without judicial supervision or forced into exile. Still worse, torture was a common practice, as were attacks on property. For years, the Government of Israel had refrained from including the Zionist doctrine in its official programme, but since 1977 the programme of the Likud Party which was now in power had contained elements of the Zionist doctrine, such as the eternal and historic right of the Jewish people to a land usurped from the Palestinians and the principle of the establishment of settlements on the soil of the "homeland". To apply that doctrine, the Zionist Government had ordered that the terms "West Bank" and "administered territories" should be banned and replaced by the terms "Judea" and "Samaria", which were, unfortunately, being used by all the media. In addition, Zionist agents were being invited to refute the myth of a Palestinian people without a homeland who were supposedly leading a life separate from that of the Arabs living in the occupied territories. It was quite obvious that the purpose of those directives was to clarify the basic conception of the policies of the Zionist entity, which would like, at any price, to prohibit words such as "annexation" by constantly spreading the slogan "one can only annex territories that belong to someone else". For the Zionist entity, the occupied Arab territories were liberated territories in which the Jews should be able to exercise an alleged right that was denied to the indigenous population.

10. It was further alleged that the legalization of the settlements in those territories would serve the cause of international peace and security. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/35/425) indicated the number and geographical location of such settlements and described the situation of the civilian

population of the occupied territories and the treatment meted out to civilian detainees, thus demonstrating how little attention the Zionist entity paid to the principles of the Charter, international law and the provisions of the 1949 Geneva Convention. The information given by the Special Committee showed that the situation of the population of the occupied territories was continuing to worsen and that the most basic human rights were held in blatant contempt. The policy of exerting pressure against the population, with no regard for the obligations imposed on the occupation authorities by the fourth Geneva Convention of 1949, was being intensified and violated the basic rights of the Arab population. The natural resources of the occupied territories were being looted in breach of international rules and General Assembly resolutions. There had been more than enough violations of the United Nations Charter, the Universal Declaration of Human Rights and the fourth Geneva Convention for the Commission strongly to condemn zionism and its racist policy, which could be compared only with the South African policy of apartheid.

11. Zionism and apartheid were based on the same ideological premises and used similar methods to implement racist and colonialist plans. In that connection, he drew attention to General Assembly resolution 3379 (XXX), which stated that "zionism is a form of racism and racial discrimination". Zionism was based on the theory of religious superiority and exclusivity, while apartheid was based on racial exclusivity and superiority. The first victims of both ideologies had been the original inhabitants who had been uprooted, dispersed and oppressed for the simple reason that their colour or religion differed from those of the invaders. It was thus high time for the international community to condemn zionism, just as it had condemned apartheid, by declaring it to be a crime against humanity. It was also necessary to draw attention to the colonialist nature of zionism and to unmask the imperialist links of the Zionist undertaking. In that connection, Theodore Herzl had written that zionism had had no difficulty in recognizing its true identity as that of a colonial movement.

12. In such circumstances, was it really possible to combat zionism and imperialism with an olive branch? The Palestinian people had been forcibly driven out of their country by immigrants from the four corners of the earth who had been organized by world zionism with the backing and assistance of world imperialism. The formidable means used by world zionism, supported by imperialism, to eliminate the Palestinian people had, however, been of no avail and never would be because the Palestinian people were becoming stronger and stronger. Peace in the Middle East could never be achieved without their agreement, in other words, unless they exercised all their rights over Palestine - not the Palestine of 1947 or that of 1967, but the Palestine within the borders of the British Mandate. The international community had recognized the inalienable rights of the Palestinian people and, in particular, its right to self-determination without outside interference and to the establishment of an independent and sovereign State in Palestine. The means used by world zionism and imperialism and all those who aided them either directly or indirectly could not halt the march of history, which every day justified the cause of peoples struggling to recover their right to self-determination.

13. Would it really be possible to win back the homeland that had been usurped and conquered by agreements concocted abroad at the instigation of the usurper itself, with the assistance of its protector and a defeatist neighbour? By means of dishonest manoeuvres zionism and imperialism had tried to create the impression that peace would soon be restored in the Middle East and that the Palestinian people would recover their property and rights thanks to the Camp David agreements. But those agreements were aimed only at establishing a false peace which would, in fact, inevitably lead to war because they denied the Palestinians the right to return and the right to self-determination under the guidance of the Palestine Liberation Organization. Those agreements had been rejected by the Palestinian people and by the majority of the international community and had been considered null and void.

14. It was thus the duty of the international community to spare no effort in enabling the Palestinian people to recover its rights to self-determination and national sovereignty. In addition to diplomatic and moral support, the international community must provide it with genuine assistance. His country was giving unlimited support to the Palestinian people, to the peoples of southern Africa and their national liberation movements, and to the people of the Western Sahara. Political support was not in itself enough to eliminate colonialism, racism and zionism. It was necessary to use suitable means, consisting not only of political support, but also of material, financial and military support, because wherever the olive branch had failed, guns would succeed.

15. Mr. SALAH-BEY (Algeria) said that the inclusion in the Commission's agenda of the question of the violation of human rights in the occupied Arab territories, including Palestine, proved that the international community was still concerned about the fate of the Palestinian people, who had been driven from their land, stripped of their rights and made the victims of savage oppression, involving arbitrary arrests, detentions, expulsions, expropriations, the demolition of houses and the closure of schools, in other words, the victims of State terrorism. It also proved that the international community was aware of the seriousness of the problem posed by the illegal occupation of Palestine and the Arab territories by the Zionist entity, which was carrying out a deliberate policy of expansion on the strength of a racist theory based on ethnic ascendancy, pseudo-religious considerations and alleged racial superiority. At the same time, however, it attested to the continuance of the sufferings of the Palestinian people.

16. That Zionist policy, which was aimed at wiping out a people, establishing settlements in its territory and ensuring its domination, had been repeatedly condemned both in regional and in international organizations, but it nevertheless continued to be pursued, as was confirmed by the impartial and irrefutable documentation before the Commission.

17. The international community could not stand aloof in the face of such actions, which were an affront to universal law and morality; it must punish the occupier for the crimes it had committed and take up the challenge it had received. It must respond with a just and lasting settlement of the Palestinian problem, which involved the right of peoples to self-determination, the right of communities to self-determination, the right of nations to establish such institutions as they themselves had chosen, the right of a people to live in the territory of its ancestors and the right of every individual to a home and a decent life. It was to

be hoped that an appropriate solution would be found, based on respect for the inalienable rights of the Palestinian people and on the evacuation of the occupying forces from Palestine and all the occupied Arab territories. No partial solution, no compromise which would only increase the sharp tension prevailing in that part of the world could be accepted; nor could an arbitrary settlement and an artificial peace imposed by certain States which motivated by cynical egoism, arrogated to themselves the right to speak on behalf of a people whose future they were mortgaging. That was why the Camp David agreements and the Treaty of Washington had been condemned by the majority of the international community, including the non-aligned movement and, recently, the Conference of the Sovereigns and Heads of State of the Islamic Countries.

18. The violation of human rights in Palestine could be compared with the violation of human rights in southern Africa, for the military, nuclear, economic and other ties binding the Zionist régime and the racist régime in South Africa were both a matter of fact and a danger to the international community. Such collusion, which was looked upon with calculated good favour, if not complicity, by certain régimes, enabled those two bastions of racism to commit acts of aggression with impunity, to occupy territories illegally and to exploit peoples. It was the Commission's duty to draw the necessary conclusions with the purpose of safeguarding the human rights which those two régimes continued to flout.

19. His delegation, which was convinced that the Commission would not fail in its high-priority task and that it would help to put an end to the tragedy of the Palestinian people, reserved the right to revert to the question of the right of the Palestinian people to self-determination in the statement it intended to make on agenda item 9.

20. Mr. STROTJWAS (Poland) recalled that, at its previous session, the Commission had had before it reports relating, for example, to severe, cruel and inhuman sentences imposed by the Israeli military courts on young people, most of them students. In fact, the only crime those young Palestinians had committed had been to rise up as patriots against the occupying Power and its military infrastructure. The reports submitted at the current session, whether in documents E/CN.4/1413 and Add.1 or in the other reports listed in document E/CN.4/1423, again described the iniquitous fate of the Palestinians. Although he would not summarize the contents of those documents, he wished to say that many nations which had had to struggle for their freedom and to sacrifice the flower of their youth could sympathize with the sufferings of the Palestinians. His Government had, on many occasions, stated that a just and lasting peace could not be achieved in the Middle East without a just solution of the Palestinian problem that would ensure the right of the Palestinian people to national independence and sovereignty, in accordance with the Charter of the United Nations. Any efforts made outside the framework of the United Nations and without the participation of the PLO, the sole representative of the Palestinian people, were doomed to failure.

21. In the first resolution adopted at the previous session, namely, resolution 1A (XXXVI), the Commission on Human Rights had condemned Israeli practices which constituted flagrant violations of human rights in the occupied Arab territories, including Palestine. The practices thus condemned included those referred to in paragraph 3 (a), (b), (e), (f) and (g) of that resolution. In addition, the Commission had requested Israel to respect the obligations arising from the Charter and other instruments and rules of international law. Since then, the situation had, unfortunately, only changed for the worse and, despite appeals from all over the world, Israel had decided officially to transfer its capital to Jerusalem. In such circumstances, the Commission must again raise its voice in defence of the oppressed Palestinians against all forms of occupation and violation of their rights. His delegation would vote for the resolutions submitted to that effect and would, as in the past, take an active part in their implementation.

22. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that the General Assembly had already adopted several resolutions concerning Israel's occupation of the Arab territories and flagrant and systematic violations of human rights in those territories. Such acts were the result of Israel's policy of aggression, which was supported by imperialist circles. The members of the Commission had been informed of violations of the most basic rights in several of the reports submitted at the current session, in particular, the report of the Special Committee (A/35/425). In paragraph 290 of that document, it was noted that there had been a remarkable increase in the level of violence in the occupied territories; in paragraph 304, it was stressed that the military occupation was at the core of the violation of fundamental rights. Peaceful Palestinians were being killed, even their leaders were being subjected to violence and the prisons were full of detainees. Among the Israeli leaders there was growing support for annexation: the Knesset had adopted provocative laws relating to the eastern part of Jerusalem and was now taking similar action with regard to the Golan Heights. The policy of establishing new Israeli settlements in the occupied territories continued to be implemented with the avowed intention of perpetuating Israel's domination of those territories, as revealed in paragraph 304 of the Special Committee's report.

23. In order to resolve that explosive situation, it was necessary to reach a just and comprehensive political settlement. Accordingly, it was the Commission's duty to condemn Israeli activities in the occupied territories and to urge Israel to put an end to its flagrant violations of human rights. In that connection, he referred to a statement made by Mr. Leonid Brezhnev on the occasion of the Day of International Solidarity with the Palestinian People. Mr. Brezhnev had said: "In accordance with the Leninist principle of solidarity with peoples struggling for freedom, independence and social progress, the Soviet Union will continue to support the just cause of the Palestinian people and the other Arab peoples in their struggle against Israeli aggression and imperialist plots in order to bring about a general settlement in the Middle East".

24. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the report of the Special Committee (A/35/425) provided ample proof that Israel was escalating its policy of occupying and colonizing Arab territories, in defiance of international law and in violation of the principles of the Charter and the relevant United Nations resolutions. Israel was working to achieve its long-term goal of establishing a "Greater Israel". The decree for the annexation of Jerusalem and the illegal seizure of land on the Golan Heights



were recent developments consistent with that purpose. Through such terrorist acts, Israel intended to change the geographical and demographic structures of the annexed territories by expropriating land, expelling Palestinians and destroying their cultural identity. That situation was illustrated by the information given in paragraph 292 of the Special Committee's report from which he quoted. Far from putting an end to its practices in the occupied territories, Israel was pursuing its policy of annexation, encouraged by the Camp David agreements, and was thus causing the population of those territories immeasurable suffering.

25. His country's unswerving position was that peace and security would be restored in the region only when Israel withdrew completely from all the occupied territories and the inalienable rights of the Palestinians were guaranteed. That position was the same as the one reflected in many relevant United Nations resolutions. His country also supported with unqualified sympathy the difficult struggle being waged by the Palestinians under the leadership of the PLO, their legitimate representative. Mention was made in the Special Committee's report of the acts of resistance by the Palestinian population, including the general strikes in late 1979 and the protests which had taken place in 1980 against Israel's policy of deportation and annexation. His country would join all other peace-loving countries in defending the just cause of the Palestinian people.

26. Mrs. GU YIJIE (Observer for China) welcomed the efforts made over the years by the Committee on the Exercise of the Inalienable Rights of the Palestinian People. She also paid a tribute to the Palestinian people and the PLO, the sole lawful representative of that people, which had, in difficult conditions, led the Palestinians in struggles of all kinds and dealt the Israeli aggressors decisive blows, thus winning the respect of the entire world. United Nations bodies had been considering the question of the occupied Arab territories for several years and had adopted a series of resolutions calling for an end to the Israeli occupation and the restoration of the rights of the Palestinian people; several more resolutions to that effect had been adopted at the seventh emergency special session of the General Assembly. However, Israel continued to occupy vast tracts of Arab land and was subjecting more than 1 million Palestinians living in those areas to all sorts of humiliations. That country, which was implementing a plan of Judaization, was strengthening its military installations, expanding Israeli settlements, imprisoning many innocent people and subjecting them to inhuman treatment. What was more, it had frenziedly bombed Palestinian refugee camps and declared Jerusalem its "eternal capital".

27. Israel's aggressive attitude was closely related to the two super-Powers' intensified struggle for hegemony in the Middle East; Israel was taking advantage of that situation to hold on even more firmly to its obstinate position, thus further heightening tension in the Middle East. Her country had always supported the Palestinian people in its struggle and condemned the Israeli authorities, who were violating the 1949 Geneva Convention and the Charter of the United Nations. It was to be hoped that, at the current session, the Commission would be able to make significant contributions to the restoration of the rights of the Palestinian people.

The meeting rose at 6.15 p.m.