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**SPECIAL POLITICAL COMMITTEE, 798th
MEETING**

Monday, 13 December 1971,
at 10.55 a.m.



NEW YORK

Chairman: Mr. Cornelius C. CREMIN (Ireland).

AGENDA ITEM 40

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8389 and Corr.1 and 2 and Add.1, A/8472, A/8478, A/SPC/149)

1. The CHAIRMAN declared open the debate on agenda item 40 and said that the Committee had before it, in connexion with that item, two letters addressed to the Secretary-General: one, dated 15 October 1971, from the Permanent Representative of Israel to the United Nations (A/8472), and the other, dated 21 October 1971, from the Permanent Representative of Jordan to the United Nations (A/8478). He then read out a letter dated 21 October 1971 (A/SPC/149) addressed to him by the representatives of Afghanistan, Indonesia, Pakistan and Saudi Arabia, requesting that the Palestine Arab delegation be allowed to make a statement to the Committee regarding the report of the Special Committee (A/8389 and Corr.1 and 2 and Add.1). If there was no objection he would take it that the Committee decided, in accordance with the practice followed in the past, to hear the Palestine Arab delegation in the course of its debate on agenda item 40.

It was so decided.

2. Mr. MOUSSA (Egypt), speaking on a point of order, said that it was obvious that his delegation was particularly concerned with the situation in the occupied territories and the manifest violations of human rights there. Although he was on the list of speakers, he would prefer not to take part in the debate until the General Assembly in plenary meeting had concluded its consideration of the situation in the Middle East under agenda item 21; he therefore reserved the right to speak at a later stage of the deliberations.

3. He proposed that the Committee should not hold its next meeting until the draft resolutions had been put to the vote in the plenary meeting; it could therefore meet in the afternoon of that day at the usual time if the vote took place that morning, or a little later if the vote was not held until the beginning of the afternoon.

4. The CHAIRMAN, replying to the Egyptian representative, said that if he wished he could speak later. He also accepted the proposal that that representative had just made; if the Committee had no objection, the afternoon meeting would be held after the vote in the plenary meeting.

It was so decided.

5. Mr. EL-FATTAL (Syrian Arab Republic) expressed his delegation's appreciation of the report (A/8389 and Corr.1 and 2 and Add.1), which reflected the objectivity of the members of the Special Committee and their deep awareness of the responsibilities placed in them.

6. The report was more than a simple recounting of acts which, by any standard of law and morality, clearly constituted war crimes and crimes against humanity; it was rather a testimonial that students of law, history and international politics would have to draw upon in order to analyse the foundations of Zionist ideology, which Israel, since its illegal establishment in Palestine, had consistently translated into concrete policies and practices. Despite the fact that the Chairman of the Special Committee had said in his letter of transmittal to the Secretary-General that that Committee had "consciously sought to separate the humanitarian aspects of the problem . . . from the political issues involved", it could not be denied that those humanitarian aspects were only a reflection of the underlying drama, which was essentially political. In that letter of transmittal, which his delegation considered as important as the report itself, the Chairman had drawn the Secretary-General's attention to the fact that Israeli "policies and practices violating the human rights of the population of the occupied territories . . . have continued and have become even more manifest". That applied "especially to the policies of settlement". He had cited as examples the Golan Heights and certain parts of the West Bank and had said that "Eastern Jerusalem provides a clear instance of the policy of annexation". Evidence of the colonialist nature of Israeli practices could be seen in chapter IV, which summarized the fundamentals of Zionism as applied in practice.

7. Some 50 years earlier the people of Palestine had reached the conclusion that Zionism was a total negation of the rights of the original inhabitants. The unfolding of events since the First World War had confirmed that conclusion, which in turn corroborated the Special Committee's report, as did the statements by Israeli authorities. It was not necessary to go as far back as Theodor Herzl, who did not even recognize the existence of any human being in the region where he planned to establish his Zionist empire. Recent statements by present-day Zionists substantiated the findings of the Special Committee which, in paragraph 72 of that chapter defined the policy applied by the Israeli Government as "designed to effect radical changes in the physical character and the demographic composition of several areas of the territory under occupation by the progressive and systematic elimination of every vestige of Palestinian presence".

8. Thus, in the newspaper *Ha'aretz* of 4 April 1969, General Moshe Dayan had admitted that Israel was deter-

mined to alter the physical character of the region when he stated that there was not a single Jewish village in his country that had not been built on the site of an Arab village. He had also confirmed Israel's determination to alter the demographic composition of the region; when asked about Israel's ability to absorb the Arab population in the occupied territories, he had replied that that would be economically possible, but it would turn Israel into either a bi-national or poly-national Arab-Jewish State instead of a Jewish State, and that was not in accord with Israel's aims in the future. The racist character of Israel emerged as an essential element in the doctrine and practices of Zionism. That was the reason for Israel's rejection of missions whose reports might make world politicians and diplomats understand that Zionism was essentially the same as *apartheid* but even more destructive, as the mere physical presence of Arabs in Palestine or the occupied territories would frustrate the establishment of a "greater Israel". Thus, in paragraph 72 of its report, the Special Committee stressed the fact that "the right of the inhabitants of the occupied territories to remain in their homeland", threatened by a policy and by practices which were not only racist but contrary to international law, was "unqualified and inalienable".

9. While chapter IV of the Special Committee's report provided a synthesis of the dynamics of Zionism, chapter III, which contained an analysis of Israeli war crimes and crimes against humanity, indicated that Israel had not hesitated to commit grave breaches of the law of war in order to expand territorially and demographically, to repress any sign of resistance and to plan for further aggression. In paragraph 43 of its report, the Committee stated that in some cases, the evidence as a whole revealed a clear pattern of policy and was sufficient to warrant the conclusion that the Government of Israel had adopted a policy of annexation which would deprive the persons concerned of their fundamental right to return or frustrate the exercise of that right.

10. Thus, it was established that the occupying Power, whose responsibilities and duties were defined by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ had violated not only that Convention, but also the general principles of international law by annexing the Golan Heights, Jerusalem, the Gaza Strip and other parts of the occupied territories. He quoted from paragraph 45 of the report and stated that, as could be seen from that paragraph, the distinction between occupation and annexation was essential in determining the international responsibility of the culprit as well as that of third States vis-à-vis the occupied Power and the occupying Power.

11. The legal consequences of the violations of international law committed by Israel also raised the question of Israel's responsibility under international criminal law and the duties and obligations of third States. Because of its racist character, Israel had to resort to the mass eviction and deportation of a particular ethnic group, the Arabs, whether Palestinian, Jordanian or Egyptian. Israel's territorial aggrandizement was invariably accompanied by the obliteration of both demography in its ethnic sense, and

geography in its cultural and economic sense. The acts of the occupier fell under the category of crimes punishable under international law, particularly "The Principles of International Law Recognized in the Charter and Judgment of the Nürnberg Tribunal", as formulated by the International Law Commission in 1950, paragraph 44 of which defined war crimes as

"violations of the laws or customs of war . . . [which] shall include, but not be limited to murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity".

Crimes against humanity were defined as murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts were done, or such persecutions were carried out in execution of or in connexion with any crime against peace or any war crime. It was clear from the first report² of the Special Committee and from the current one (A/8389 and Corr.1 and 2 and Add.1), as well as the report of the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights,³ and the special reports relating to item 38 (see A/8383 and Add.1) of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East concerning Israeli practices against the people of Gaza, that Israel had committed such crimes by evicting the civilian population of certain areas, deporting certain persons, destroying towns and villages and building exclusively Jewish settlements over their ruins. Such acts were also punishable under the Convention for the Prevention and Punishment of the Crime of Genocide (see General Assembly resolution 260 (III), annex), in which the definition of genocide included "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

12. Furthermore, Israel had committed against persons and property the "grave breaches" mentioned in article 147 of the fourth Geneva Convention of 1949, namely acts such as torture, inhuman treatment, wilfully depriving a person of the right of fair trial, and the destruction and appropriation of property not justified by military necessity, which had been the declared policy and practice of the Israeli occupation since June 1967. As a contracting party to the Convention, Israel could not absolve itself from the liabilities it incurred as a result of its violations of the Convention. It would be held responsible for those crimes no matter how long it took the Arabs or the international community to see that justice was done.

13. Moreover, as a consequence of Israel's annexation of Arab territories, all States—whether Members of the United Nations or not—were obliged, under international law, to refrain from recognizing that annexation under any condition, implicitly or explicitly, and to acknowledge the

¹ United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

² *Official Records of the General Assembly, Twenty-fifth Session*, agenda item 101, document A/8089.

³ Documents E/CN.4/1016 and Add.1-18.

invalidity of Israeli acts in occupied territories. They were also under the obligation to refrain from any acts, and particularly any dealings with the Israeli Government, implying recognition of or lending support to the annexation. His country would continue to base its relations with other States on the fundamental criterion of respect of the principle of non-recognition of acquisition of territories by war, and would regard any action by third countries designed to support and assist Israel's annexation of Arab territories as a grave breach of international law and a hostile act towards the Arab nation in general and the Syrian Arab Republic in particular. It considered that the Government of the United States of America had violated that principle, because United States funds, both private and public, were being invested in the settlement of the occupied territories, United States settlers were being encouraged to establish themselves there and high-ranking United States officials visited the territories, particularly the Golan Heights, and publicly praised the occupation.

14. The report of the Special Committee was self-explanatory. The General Assembly should act in accordance with the gravity of the situation. It was not enough to condemn Israeli practices; it was necessary to exert international pressure so that Israel would be forced to desist forthwith from its annexationist policy and to withdraw unconditionally from the occupied territories. The Special Committee had reiterated the view it had expressed the previous year, namely, that the most effective way of safeguarding the human rights of the population of the occupied territories was to end the occupation of those territories. However, some delegations still supported the unjust charges levelled by Israel against the membership of the Special Committee and its findings. Israel contended that it could not receive a Committee whose members did not recognize its existence, but it had also refused to admit the mission established under Security Council resolution 298 (1971) to investigate Israeli annexationist practices in Jerusalem, all the members of which—Argentina, Italy, and Sierra Leone—maintained very close relations with the Israeli Government. In fact, Israel would refuse any mission or personal representative appointed to investigate its grave breaches of international law, for it rejected any international interference in its declared policy of annexation and colonialism.

15. Mr. ZÁDOR (Hungary) said that his delegation's position was well known. It stood by the full implementation of Security Council resolution 242 (1967), which provided for a political settlement of the Middle East crisis and envisaged an end to the situation brought about by the military aggression unleashed by Israel against its Arab neighbours in 1967. It fully concurred with the conclusion of the Special Committee in paragraph 83 of its report (A/8389 and Corr.1 and 2) that "the fundamental violation of human rights lies in the very fact of occupation. The most effective way of safeguarding the human rights of the population of the occupied territories, therefore, is to end the occupation of these territories."

16. However, the occupation of Arab land continued. The Israeli Government systematically frustrated all attempts to bring about a political settlement, and at the same time the occupation authorities were seeking, by a series of illegal moves, to modify the character of the occupied territories.

The history of Israel was full of faits accomplis of that kind, which had led to successive changes in its frontiers; those measures should not, therefore, be taken lightly. The General Assembly had called upon Israel to co-operate with the Special Committee in accordance with the obligations imposed on it by its accession to the Geneva Conventions. However, Israel preferred to boycott the Special Committee. The letter of 15 October 1971 (A/8472) from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General was a perfect demonstration of Israel's tactics with regard to the work of the Special Committee: on the one hand, it refused to co-operate with the Committee or even to admit it to the occupied territories, and on the other hand, accused it of relying on one-sided evidence. His delegation considered that that letter, the insulting terms of which excluded all possibility of reasonable discussion, reflected the desperation resulting from the isolation of the Israeli authorities in the face of the criticism of their policies of occupation and violation of human rights voiced by international public opinion.

17. Referring to one of the abuses mentioned in paragraphs 17 to 22 of the addendum (A/8389/Add.1) to the Special Committee's report, he pointed out that Israel, as a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, was obliged in all circumstances to respect and to ensure respect for article 49, which prohibited "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not... regardless of their motive".⁴ However, Israeli officials had frequently admitted that the occupation authorities had in recent months razed homes and forcibly transferred their inhabitants to other parts of the occupied Gaza sector, acts which constituted serious violations of the Geneva Convention, the Universal Declaration of Human Rights and the Charter of the United Nations.

18. His delegation had concluded that there was no question that human rights continued to be seriously violated in the territories occupied by Israel; that Israel's violations of its obligations under the Geneva Convention were designed to combat the growing resistance of the population to the occupation of their land and to change the composition and hence the character of those territories, so as to facilitate their annexation by Israel; that those illegal measures included the deportation of people in flagrant violation of article 49 of the Geneva Convention, the razing of houses, prohibited under articles 33 and 53 of that Convention, the refusal to let the inhabitants of the occupied areas return to their homes, and so on. Consequently, the United Nations could not ignore those illegal acts. His delegation had decided to support decisions that reminded the Israeli Government of its international obligations, and hoped that other delegations, equally concerned about human rights, would not hesitate to join it in expressing their appreciation to the Special Committee and asking it to continue its work to ensure the protection of the human rights of the population of occupied Arab territories.

19. Mr. CAHANA (Israel), replying to the representative of the Syrian Arab Republic, said that Israel's presence in

⁴ See foot-note 1.

the Golan Heights and the other occupied territories resulted from the steps taken by Israel to defend itself against the aggression of which it had been the victim. Since Syria refused to make peace with Israel it was responsible for the existing situation.

20. His delegation wished to point out that it had only just received document A/8389/Add.1 of 9 December 1971.⁵ Other delegations were perhaps in the same situation. That document had to be studied before Governments or delegations could take a position on it. All documents should be issued some time before the debate began, and it therefore seemed that in the case of that document there had been some procedural irregularity. He wondered whether it might not have been designed to increase the confusion, especially since he had already noted that the document contained erroneous ideas and dubious conclusions. Since the debate was supposed to end the following day, he feared that a draft resolution might be submitted in haste and put to the vote without being duly considered and discussed.

21. The CHAIRMAN said that he believed that he had announced on Friday, 10 December, that an addendum to the report would be circulated. Furthermore, he had expressed the hope that the general debate on the item under consideration would end on 14 December, without knowing whether that would be possible; that was a hope, not a decision. As to the draft resolution, it should be submitted as soon as possible, especially if it had financial implications.

22. Mr. TREKI (Libyan Arab Republic) noted that in his statement of 15 October 1971 (see A/8472) the spokesman of the Permanent Mission of Israel to the United Nations had said that the facts set out in the report of the Special Committee were falsehoods. However, Israel's activities in the occupied territories were admitted facts and derived from a policy of racial discrimination. For that reason he wished the Special Committee's report to be introduced by the Chairman of that body, so that the Special Political Committee would be in a better position to determine whether the report contained falsehoods or facts.

23. Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, observed that, in seeking to justify the occupation of the Golan Heights by the need to

defend itself, Israel was merely repeating the argument of the colonial Powers, which had always occupied and annexed the territories of others in order to defend themselves. However, the Committee was considering the question of the annexation of the occupied territories and, although the representative of Israel clearly did not wish to discuss it, the Israeli authorities had nevertheless made statements concerning that annexation.

24. It was surprising that the representative of Israel should protest about the failure to circulate the Special Committee's report in due time, when the Israeli Government had refused to receive or co-operate with that Committee.

25. Mr. MAHJOUBI (Morocco) said that he would like the Chairman of the Special Committee to provide the Special Political Committee with information on the facts mentioned in the Special Committee's report (A/8389 and Corr.1 and 2 and Add.1).

26. Exercising the right of reply with regard to a paragraph of the statement by the spokesman of the Israeli Mission (see A/8472), he reminded the representative of Israel of the facts concerning the rebellion by a number of army officers that had taken place in Morocco in July 1971 on the day when the King was celebrating his birthday with the participation of all administrative officials, without distinction as to religion. On that day a group of seditious military men had caused the death of about 100 persons; the men concerned had been brought before a court established under Moroccan law, found guilty and sentenced to execution. The treatment Morocco accorded to high-ranking army officers who were responsible for their acts was meted out by Israel every day to innocent people in the occupied Arab territories. Israel even glorified those who had committed the massacres of Deir Yassin and Kafar Kassem. He was surprised that the representative of Israel, who was accustomed to defending international Zionism and posing as the protector of Jews throughout the world, should have defended criminals and anarchy. The representative of Israel had apparently allowed hate to cloud his judgement.

27. The CHAIRMAN said that the suggestions just made by the representatives of the Libyan Arab Republic and Morocco would be transmitted to the Chairman of the Special Committee.

⁵ The date of distribution of the document was subsequently corrected (A/8389/Add.1/Corr.2) to read 10 December 1971.

The meeting rose at 12 noon.