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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 6 February 1985, at 10 a.m.

Chairman:  
later:

Mr. CHOWDHURY  
Mr. CHARRY SAMPER

(Bangladesh)  
(Colombia)

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

ORGANIZATION OF THE WORK OF THE SESSION

1. The CHAIRMAN said that in connection with the fortieth anniversary of the conclusion of the Second World War, the USSR delegation had submitted the following draft decision, which had been endorsed by the various groups in the Commission:

"The Commission on Human Rights requests the organizational session of the Economic and Social Council, in considering the Council's programme of work and in the light of General Assembly resolution 39/114, to take into account the fact that 8 and 9 May 1985 represent the fortieth anniversary of the conclusion of the Second World War."

2. If there was no objection, he would take it that the Commission wished to adopt that text.

3. It was so decided.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1985/5, 6, 34 and 35; E/CN.4/1985/NGO/1)

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.4/1985/12, 13, 37, 39 and 40)

4. Mr. MacDERMOT (International Commission of Jurists), referring to criticism voiced by the observer for Israel at the preceding meeting concerning the report on Fara'a prison which his organization was about to publish, said that as a matter of policy the International Commission of Jurists did not disclose its publications to the Governments concerned in advance. Some non-governmental organizations had done so and had had unsatisfactory experiences as a result. His organization saw no point in doing so unless it wished to invite the Governments to make comments or corrections before publication. Moreover, he could not have disclosed the publication in question without consulting those who were releasing it simultaneously at Jerusalem and Washington. He had, however, arranged for a copy to be sent to the observer for Israel two days before publication.

5. Mr. SYTENKO (Union of Soviet Socialist Republics) said that the aggressive expansionist policy of the ruling circles in Israel towards the Arab States and peoples, which had been condemned in various international bodies, including the Commission, was continuing. The constant stepping-up of tension, provocation and acts of aggression against the Arab States was accompanied by massive and flagrant violations of human rights in the Arab territories occupied by Israel and in Lebanon.

6. Year after year, the Israeli authorities continued to commit crimes in the occupied Arab territories. An examination of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories sufficed to show that Israel's policy towards the population of those territories and the Arab people of Palestine had not changed. At its most recent session, the General Assembly had adopted a resolution condemning the well-known acts committed by Israel in the occupied Arab Territories.

7. The bombing of the nuclear research centre in Iraq, the massacres committed in the camps of Sabra and Chatila, the declaration that Jerusalem was the eternal and inseparable capital of Israel, the invasion by Israeli troops north of the Awali river and threats against the Syrian Arab Republic were all links in a chain of crimes and serious violations of the fundamental tenets of international law. Israel was pursuing its policy of annexing the territories it seized. Thus, in addition to the existing militarized Israeli settlements, which numbered more than 100, a further four were being planned. One was to be built in the Jordan River valley and another near Gaza.
8. The Israeli cabinet had recently adopted a plan providing for a step-by-step withdrawal of Israeli troops from Lebanon. It was clear that the Israelis had been driven to do so by force of circumstances. However, according to the time-tables issued in Tel Aviv nearly a year previously, Israeli troops should no longer be in Lebanon. In fact, they had stepped up their terrorist activities in southern Lebanon and taken steps to strengthen their position there. In short, the acts of the occupiers did not tally with their statements. The Israeli troops in southern Lebanon were in fact being redeployed with a view to reducing the costs of occupation. The stationing of its troops in southern Lebanon cost Israel \$1 million a day and the authorities had calculated that redeployment would save some \$140 million a year. Recalling the statement by the Israeli Minister of Defence that the Israelis would return to Lebanon without hesitation if necessary in order to destroy any nests of terrorism which might emerge after their departure, he said that the real terrorists in Lebanon were the Israeli troops and that Israel had no intention of leaving Lebanon.
9. In December 1984, a delegation from an international commission to investigate Israeli crimes against the Lebanese and Palestinian peoples had completed its work in Lebanon. It had heard many witnesses and collected a great deal of factual material confirming Israel's violations of the fundamental principles of international law and human rights and its inhuman behaviour against the Arab population in its attempt to maintain control over the lands it had seized. At the outset of its work, the commission had noted that Israel's actions against the Arab people of Palestine could be described as genocide. The Zionist leaders of Israel did not conceal the fact that their objective was to destroy the Arab people of Palestine as a historical and ethnic community, and to annihilate the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people.
10. The Israeli policy of genocide had been extended to include the people of Lebanon. Examples of that were not hard to find. The Israeli army in Lebanon was making wide use of weapons against a peaceful population. It had bombed towns and Palestinian refugee camps. About 90 per cent of the casualties of military actions in Lebanon had been civilians. There was a striking similarity between those events and the methods used by Hitler in the Second World War. That was not a coincidence, since the authorities in Israel were guided by the same racist ideas as the Nazis. The Zionist plans for the annexation of Arab territories were similar to Hitler's claims about the need for living space. Zionism, which had been recognized by the General Assembly in 1979 as a form of racism and racial discrimination, in practice meant aggression, annexation of foreign territories and genocide.
11. On the whole, Israel's foreign policy could be called one of State terrorism and had been resolutely condemned by the General Assembly at its thirty-ninth session. The freedom struggle of the Palestinian and Lebanese peoples was a natural reaction

to Israeli aggression and the crimes committed by the occupiers. Israeli representatives tried to present the situation as if they were fighting against terrorists and were seeking to stigmatize as a terrorist organization the PLO, the sole legitimate representative of the Arab people of Palestine, which had been recognized as such by the General Assembly.

12. The Israeli authorities forgot that people in such a situation were entitled, in order to achieve their independence, to have recourse to various methods of struggle, including armed struggle. If the Government of Israel did not wish to face the armed opposition of Palestine Arabs, the only thing it could do was to cease its occupation of the territories in question and enable the Arab people of Palestine to establish its own State. However, that was precisely what the Israeli authorities did not wish, and so they concocted monstrous lies about the national liberation movement of the Arab people of Palestine, the PLO, and devised plans aimed at breaking up the movement. It should be noted that the PLO had broader relations with more States in the world than Israel and that no repression by Israeli authorities or slander could change that fact. In that connection, he referred to the message which had been sent by the Presidium of the Supreme Soviet of the USSR and the Council of Ministers of the USSR to the PLO on the occasion of the twentieth anniversary of its creation and which had also recognized the organization as the sole legitimate representative of the Palestinian people. His delegation was convinced that, despite the serious trials afflicting the PLO in recent years, the organization would be able to deal with its current difficulties. Any military actions or repressive measures against peoples fighting to exercise their right of self-determination were considered serious international crimes. That was precisely what Israel was perpetrating against the Arab people of Palestine and the people of Lebanon.

13. Mr. Chernenko, the General Secretary of the Central Committee of the Communist Party of the Soviet Union, had pointed out with regard to the tragic events in the Middle East that peace could not be achieved through separate arrangements or military intervention, and that the situation in that part of the world could be radically improved only through the collective efforts of all interested parties. The General Secretary had further indicated that the road towards a comprehensive settlement lay through the convening of an international conference on the Middle East which must include the PLO as an equal participant. He recalled the following principles for a Middle East settlement, as formulated in the USSR proposals of 30 June 1984: unacceptability of annexation of foreign territories; withdrawal of Israeli troops from all occupied Arab lands; right of Palestinians to create their own State; right of all States in the region to a secure and independent existence, with a mutual commitment to respect the independence, sovereignty and territorial integrity of each country; and the formulation of international guarantees for a settlement under the auspices of the Security Council.

14. The Commission should resolutely condemn the criminal policy of the Israeli authorities towards the Arab population. That policy, which received full political, military and economic support from abroad, was one of the main causes of increased tension in the Middle East. The Commission should do everything within its power to end the flagrant violations of human rights committed by Israel in the Middle East.

15. Mr. HEINEMANN (Netherlands) said that the position of his country and the other members of the European Communities on the Palestinian problem was clear. As the occupying Power, Israel was responsible for the observance of human rights in the occupied territories.

16. The Netherlands had deplored the annexation of East Jerusalem and the Golan Heights, which was contrary to international law and formed a serious obstacle to any peace settlement. The settlement of Israeli citizens in the occupied territories contravened article 49 of the Fourth Geneva Convention of 1949. The settlement policy led inevitably to friction with the local population, and the Netherlands called on Israel to end such a damaging and illegal practice. The International Commission of Jurists had recently published a report which contained accusations of cruelty to young Arab prisoners in Fara'a camp. The Israeli occupation authorities should investigate the matter and take steps to prevent the recurrence of such events.

17. There had been improvements in some areas. At the previous session of the Commission, his delegation had pointed out that the perpetrators of murder attempts against Palestine mayors had not been arrested, and had appealed to the Israeli authorities to investigate the killings in Hebron in July 1983 and to bring those responsible to justice. The perpetrators of both sets of crimes had indeed been arrested and the hard core of Jewish extremism on the West Bank had been suppressed. The Netherlands welcomed the relaxation of censorship and the readiness to reinstate Arabs in local government posts. His Government was nevertheless concerned about collective punishment measures such as the prolonged closure of universities. The fact that the Bir Zeit University had not been closed after the serious riots of 21 November 1984 possibly indicated a shift towards tolerance. The members of the European Communities had repeatedly stressed that a peace settlement should be based on Security Council resolutions 242 (1967) and 338 (1973), taking into account the right to existence and security of all States in the Middle East, including Israel, and the rights of the Palestinian people to self-determination.

18. Mr. SKALLI (Observer for Morocco) said that the Palestine question lay at the heart of the drama overshadowing the Middle East. Every year, the United Nations adopted numerous resolutions calling upon Israel to withdraw from the occupied Arab territories and to recognize the right of the Palestinian people to return there and to exercise their inalienable rights, especially their right of self-determination. However, no solution to the problem had yet been found, and the current deadlock presented a grave threat to the peace and security of the Middle East and to international security as a whole.

19. Since its creation, the State of Israel had followed a policy of aggression, marked by the expulsion of thousands of Palestinians and the plunder of their lands and property, and by five wars of aggression against neighbouring States, in flagrant violation of international law and the Charter of the United Nations. Successive Israeli Governments, wishing to consolidate their territorial gains, had annexed the

Golan Heights and the Holy City of Jerusalem, in defiance of international law and the indignation of the international community. Atrocities against the Arab populations of the occupied territories were on the increase, and the settlement of Israeli citizens there was continuing. There were now 159 Israeli settlements on the West Bank and 12 on the Gaza Strip. The Israeli Government had seized Arab property and land, and falsified land titles. Israeli soldiers had desecrated the Al Aqsa mosque. Since the annexation of Jerusalem in 1980, a dozen Israeli settlements had been established, Arab land had been seized, and government services and departments had been transferred there. In protest against such actions, the Arab population of the occupied territories had called a general strike on 19 November 1984. Fanatical extremist groups such as the "Kach" or "Gush Emunim" had carried out acts of terrorism to intimidate the Arab population.

20. The fourth Arab Summit Conference had been held in Casablanca, Morocco, at the beginning of 1984. In its final communiqué, it had reaffirmed the principles which must form the basis for any solution to the Palestinian problem: Israel's withdrawal from Palestinian and Arab territory and the right of the Palestinian people to return to Palestine, to exercise self-determination and to create their own Palestinian State. The Conference had also reaffirmed its adherence to the Islamic action programme and to the resolutions of the Al Quds committee concerning the Holy City of Jerusalem, and repeated its commitment to work towards the return of the city to Arab sovereignty. In addition, the Muslim Heads of State had adopted the Arab Peace Plan drawn up in Fez in 1982.

21. The Al Quds committee had held an extraordinary session in April 1984 in Fez. In its final declaration it had stated that it had discussed the efforts of Zionists, especially in the United States of America, to secure the transfer of foreign embassies from Tel Aviv to Al Quds and thus obtain tacit acceptance of Israeli occupation of Al Quds and other Arab and Palestinian territory. The committee had taken note of the reaffirmation of the United States position concerning Al Quds, and had urged all other States to have no dealings with Israel which might be interpreted as tacit acceptance of Jerusalem as the capital of Israel.

22. There had been no progress in the solution of the Palestinian problem; indeed, the situation had deteriorated. There could be no peace in the Middle East until Israel changed its attitude and recognized the Palestinian people's right to exist.

23. Mrs. VIRE-TUOMINEN (Women's International Democratic Federation) condemned the Israeli policy of aggression and genocide, which was supported in political, military and economic terms by certain imperialist Powers. Such policies of violence were in defiance of the Charter of the United Nations and posed a serious threat to world peace.

24. The Palestinians in the occupied territories lived in bad conditions and the Israeli military authorities controlled such important sectors as economic development and education. Thousands of Palestinians, among them many women and children, were languishing in prisons, and in the refugee camps, where the poorest Palestinians had been forced to live since 1948, assaults by Israeli soldiers and settlers, mass arrests and other degrading and repressive acts were the order of the day. In order to prevent the establishment of a sovereign Palestinian State, the Israeli authorities had seized half the lands of West Jordan and settled some 100,000 Israelis in East Jerusalem and 32,000 Israelis on the West Bank and in the Gaza Strip.

25. In Lebanon, the Israeli occupiers continued their brutal war against Lebanese progressive forces and the Palestinians, in defiance of Security Council resolutions 508 (1982) and 509 (1982). The massacres by Israeli soldiers in the Sabra and Chatila refugee camps on 17 September 1982 constituted just one example of many such crimes committed by Israel in the occupied territories. The occupation forces had intensified their acts of terrorism and imposed a blockade in south Lebanon, which extended even to United Nations food and medical supplies, with disastrous consequences for the occupants of the refugee camps of Tyre and Sidon.

26. On behalf of millions of women all over the world, her organization urged the Commission to work towards a just settlement of the Middle East conflict, to prevent interference by certain imperialist States in the area, to demand the immediate and unconditional withdrawal of all Israeli troops from Lebanon and the Arab territories occupied since 1967, and to help to uphold the legitimate national rights of the Palestinian and Lebanese peoples. The Federation supported the proposal to hold an international conference on the Middle East, with the participation of the PLO and all other interested parties as an important step towards the solution of the Middle East conflict and the implementation of human rights in the area.

27. Mr. HAJAR (Observer for Democratic Yemen) said that the proposals made by the observers for a certain State had caused the Commission to depart from its agenda and had wasted valuable time. The Commission had covered the agenda items currently under discussion at its previous session. The observer for the State concerned had said in a message to the Secretary-General that the Commission's work was repetitious and biased. The representative of the Syrian Arab Republic had already answered that charge, but he (Mr. Hajar) wished to add his own refutation. The State concerned should cease its violent practices, recognize the rights of the Palestinian people, comply with the requests made by the Commission at its previous session and stop wasting the Commission's time. Palestinians should tell the entire world of the sufferings of their people.

28. It was hard to understand how the Commission could be asked to shorten its deliberations while the Israeli authorities were expanding their policy of colonization, including expulsions, land confiscation and other arbitrary acts against the Palestinian population. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories included a list of existing and planned settlements in those territories. Details of Israel's malpractices there had been mentioned by the Syrian and other delegations, and the Centre for Human Rights had recently received a note verbale from the Ambassador of Jordan about the acts perpetrated by the Israeli authorities in those territories during 1984. Likewise noteworthy were the communications received from the International Commission of Jurists on the condition of prisoners in the territories concerned. The Commission on Human Rights must therefore redouble its efforts to disclose and condemn the continuing violations of Arab citizens' rights in the occupied territories. Israel should be called upon to put an end to its current policies and practices and to report to the Commission, at its next session, on the measures it had taken.

29. As the Chairman of the Special Committee had said in a message to the Secretary-General, it was a matter for great concern that the international community had hitherto taken no steps to improve the lot of the civilian population in the occupied territories; the Special Committee hoped that its report would provide a basis for suitable international action to that end. It was to be hoped that the world

community could take measures aimed not only at improving the situation of the Arab peoples in the occupied territories but at securing the Palestinian people's right to an independent sovereign State. Unless such measures were speedily taken, the situation in the region would become increasingly hard to resolve.

30. Mr. CHARRY SAMPER (Colombia) said that the Commission, if it was to do its job properly, should not lose sight of its specific mandate. It was not a miniature General Assembly, an amplified International Court of Justice or a parallel organ of the Security Council. Its task was to monitor the application of international law, as it related to human rights, and to verify the execution of the International Covenants, whilst avoiding any infringement of national sovereignty.

31. The Commission must recognize that not all human rights violations were committed by States; the evolution of international law reflected a growing awareness that other entities had the same obligation to uphold human rights. Two major contributors to the Commission's efforts were the Sub-Commission and the non-governmental organizations, both of which fulfilled highly important roles. However, the zeal with which human rights violations by States were condemned seemed not to be matched by efforts to investigate violations by other entities - for example, by terrorists, whose activities were constantly growing and against whose violence the various United Nations bodies seemed powerless to act. His Holiness John Paul II, during his recent visit to some South American and Caribbean countries, had denounced human rights violations committed not only by States but by guerrilla groups. Mention of the latter in a statement denouncing human rights violations was an important step forward.

32. The Commission's membership represented the widest spectrum of legal and political systems, which meant that it must seek common ground for action pursuant to its mandate. Violence, and the threat of violence, were so pervasive that no State was immune. It was therefore important for the Commission to clarify the action it ought to take; he wondered whether, for that purpose, the Commission always obtained the full facts on a situation and whether it was always abreast of changing situations.

33. His country's position with regard to human rights violations in the occupied Arab territories had been made clear in various United Nations forums. Colombia was particularly concerned that the Palestinian people was being denied its full rights, including national sovereignty and self-determination. The United Nations, it seemed, was unable to exercise its true role in seeking a settlement to the problem. Indeed, such solutions as had been put forward had a bilateral or multilateral basis, but respect for the multilateralism represented by the Organization and by the third world in general seemed to be waning. With regard to the proposals for a conference to solve the problem of the Middle East, he wondered what its aims and effectiveness would be and whether, if it took place, it would be merely a further rhetorical exercise rather than an instrument for peace in the region and freedom for the Palestinians.

34. Although the Latin American countries, most of which had achieved national independence during the nineteenth century, had a history and tradition different from those of Africa and Asia, they maintained effective solidarity among themselves in a spirit which, if it could be applied to the Middle East, could contribute effectively to solving the region's problems. Of course, the co-operation of the super-Powers was indispensable. So too, surely, was some initiative to escape from the deadlock which all the past debates and resolutions had failed to break. The Palestinian people's right of self-determination and Israel's right to exist as a



sovereign nation were by no means incompatible. No country was better placed than Israel, on account of its history, to appreciate the Palestinian people's aspirations. And the Arab States of the region could, with understanding, adopt a suitable approach towards an effective solution.

35. Colombia viewed with alarm the continuing human rights violations in the occupied Arab territories. It firmly believed that no rights were conferred by force of arms, and it was ready to do its utmost, in international forums, in the search for an end to the deadlock in the Middle East.

36. The CHAIRMAN, on behalf of all the members, welcomed the presence in the Commission of Mr. Walter McClean, Secretary of State of Canada, who was responsible for issues relating to the status of women and handicapped persons in Canada, as well as domestic human rights concerns and federal involvement in higher education.

37. Mr. de PIEROLA (Peru), referring to the statement made by the representative of Colombia, said he wished to make it clear that there were no guerrilla movements in Peru but only bands of terrorists. A distinction was drawn, in international law, between the two; inter alia, the relevant Geneva Conventions and the additional protocols thereto required that, in order to be recognized as guerrilla movements, entities must have a system of organization and acknowledged leaders, titles and insignia, and should observe the rules of war. No such conditions were fulfilled by any of the bands at large in Peru.

38. Mr. Charry Samper (Colombia) took the Chair.

39. Mr. DAOUDY (Syrian Arab Republic), referring to the French version of press release No. HR/1635, requested the Chairman to take steps to ensure greater objectivity in press reporting of the Commission's meetings. Wording such as "The observer for Israel, who had been prevented from taking the floor until the end of the meeting", and "Having been interrupted a number of times by points of order ..., the observer for Israel was unable to finish his statement" should not have been permitted to appear in a press release.

40. Mr. HARAN (Observer for Israel), speaking in exercise of the right of reply, said that the Syrian representative's opinion about the inaccuracy of the press release might not be shared by other members of the Commission.

41. With regard to the Soviet proposal for the commemoration of the fortieth anniversary of the victory over nazism, he said that any comparison of what was going on in the world today and the extermination of 6 million Jews by Hitler was a hypocritical and contemptible misrepresentation of history. The proposal was apparently aimed at distracting attention from another historical fact: five years before the victory over Hitler, the Soviet Union had signed an agreement which had led to untold suffering. If the Soviet representative wished to make comparisons with the suffering inflicted by Hitler, he need look no further than his own backyard. Although he had described Israeli policy as genocide, it was in Afghanistan, under Soviet occupation, that genocide was truly being practised.

42. Mr. DAOUDY (Syrian Arab Republic) said that the observer for Israel must have misunderstood him: he had objected not to the content of the press release, but to its tone.

43. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, said that his delegation unequivocally rejected the absurd and totally unfounded statement by the observer for Israel, who had simply been falsifying historical events in an attempt to justify the illegal acts and aggressive policy of the Israeli Government. As a result of an imperialist-zionist conspiracy, the Palestinian people had been wrenched from its homeland and denied its national rights. In pursuing their expansionist policy and zionization plan, the Israeli authorities were implementing measures designed to change the legal status, geography and demographic composition of the occupied territories. Their brutality and inhumanity were unparalleled; nothing could justify the extermination of an entire nation. If human justice and dignity were to prevail, Fascist and Zionist ideologies, politics and practices must be eliminated.

44. Mr. SOFINSKY (Union of Soviet Socialist Republics) supported the Syrian representative's efforts to ensure that the press reflected the Commission's proceedings accurately. Referring to the comments made by the observer for Israel, he said that any relations which the Soviet Union might have had with Hitler had been more than atoned for by the Soviet people's contribution to the defeat of nazism, an effort in which many millions of them had lost their lives. In connection with the observer for Israel's comments on "genocide", he would do well to refer to the resolutions on Sabra and Chatila, in which the word was used more than once.

45. Mr. HARAN (Observer for Israel) said that the Syrian representative was obviously objecting to the press release simply because it did not reflect his own views. When delegations held that their statements had been incorrectly reported, they could submit corrections; one delegation, however, could not correct a statement made by another, as the Syrian representative was trying to do.

46. The remarks made by the observer for Afghanistan should be broadcast to the 3 million Afghan refugees living in various parts of the world who, more than anyone else, would appreciate such a description of conditions under Soviet occupation.

47. Replying to the comments made by the representative of the Soviet Union, he said that no one questioned the brave contribution of the Soviet people in the struggle against Hitler, and his delegation had never intended to do so. However, the Soviet Union's signature of a pact with Hitler was something that nobody, especially the victims of nazism, could forget. With regard to the Soviet representative's reference to the resolutions on Sabra and Chatila, he should consult the voting record and see who had voted for and against them.

The meeting rose at 1 p.m.