

and ill-treatment in the case of Archbishop Capucci and expressing the conviction that he had been fairly treated.

84. He wished to make it clear that, in his statement, he had only dealt with points that were never referred to in the Special Political Committee.

85. Mr. TERZI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, reminded the representative of Costa Rica that the members of the Special Committee, in that capacity, no longer acted as representatives of their Governments. They should therefore be allowed access to the occupied territories as members of a United Nations committee.

86. The activities of the clergy were also, and indeed principally, concerned with the struggle against injustice, and the trial of Archbishop Capucci had been a case of injustice since the court that had tried him had not been legally constituted.

87. Mr. HAMMAD (United Arab Emirates), speaking in exercise of the right of reply, said that the representative of

Costa Rica had cast doubt on the qualifications of the members of the Special Committee because of their relations with the Arab States and their attitude towards Israel. He doubted whether the representative of Costa Rica, in view of his relations with Israel and his attitude towards the Arab countries, could question the Committee's qualifications.

88. If the Costa Rican representative was not satisfied with the report, he could propose something constructive, such as an investigation by the Secretary-General in the occupied territories, or he could submit a draft resolution.

89. The Reverend Benjamin NUÑEZ (Costa Rica), speaking in exercise of the right of reply, said that he would be prepared to submit a draft resolution but would have to follow the instructions given him by his Government in the matter.

The meeting rose at 6.20 p.m.

988th meeting

Tuesday, 2 December 1975, at 10.45 a.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.988

AGENDA ITEM 51

Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations (*continued*)* (A/10366, A/SPC/L.339)

1. The CHAIRMAN announced that Madagascar and Senegal had become sponsors of draft resolution A/SPC/L.339.

AGENDA ITEM 52

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (*continued*) (A/10074, A/10128, A/10163-S/11780, A/10164-S/11784, A/10174-S/11797, A/10178-S/11799, A/10204-S/11809, A/10272, A/10286, A/10370)

GENERAL DEBATE (*continued*)

2. Mr. PASHKEVICH (Byelorussian Soviet Socialist Republic) said that, if the situation in the Middle East was to be prevented from leading to a resumption of hostilities, it was necessary, as the Byelorussian SSR and other peace-loving countries had constantly demanded, to arrive at a final settlement based on the resolutions of the Security Council, which required the withdrawal of Israeli troops from all territories occupied since 1967 and respect for the

rights of the Palestinian people and of all the States and peoples of the region. The negative attitude adopted by Israel, despite a few trivial concessions, towards the implementation of United Nations resolutions must not discourage the peace-loving countries, which should show their solidarity with the population of the occupied territories in order to repel the aggressor.

3. The item under discussion related to one of the most important aspects of the question. The seventh report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272) afforded much information on the ideology underlying Israel's actions and highlighted the need to protect the occupied territories. It provided evidence of the deterioration of material conditions and the mental suffering imposed on innocent people. It contradicted the Israeli representative's statements to the effect that the authorities of his country would take every step to protect the rights of the population of territories which Israel was supposedly occupying solely for its own defence; as for exactions, if they in fact occurred, they were aberrant acts by individuals and were always severely punished.

4. If that was true, he wondered why, by refusing to allow members of the Special Committee to enter the territories, Israel itself gave proof of the contempt in which it held the resolutions of the United Nations.

5. There could be no talk of humanitarian acts in connexion with the situation prevailing in the occupied

* Resumed from the 984th meeting.

territories, where houses were destroyed and their occupants displaced without hope of return. The occupied Arab territories supplied Israel with cheap labour; any business enterprise by the Arabs was prohibited; not a few of them were subjected to long periods of detention and to torture; rights of legal defence were flouted. All those facts had led the Special Committee to the conclusion that the situation had become worse.

6. With the aim of bringing about a complete physical, geographical and demographic transformation, the Israeli authorities were hurriedly establishing settlements in the occupied territories. In its report, the Special Committee gave a convincing picture of the situation and concluded that international law was being flagrantly violated. His delegation endorsed the Special Committee's findings, including its conclusion that the termination of the Israeli occupation would alone provide the surest guarantee of the restoration of the basic human rights of the population of the occupied territories (*ibid.*, para. 189).

7. The Byelorussian SSR, and all the socialist States and other peace-loving countries, would continue their efforts to bring about the liberation of the occupied Arab territories and the full implementation of the resolutions of the United Nations concerning a settlement of the Middle East problem.

8. Mr. JAMAL (Qatar) thanked the Special Committee for its report. It could not be denied that Israel was pursuing a policy of colonization involving destruction of houses, large-scale arrests, imposition of a curfew and economic exploitation of the population, all of which were contrary to the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the fourth Geneva Convention of 1949.¹ Israel's refusal, in 1975 as in other years, to allow the members of the Special Committee to enter the occupied territories was irrefutable proof of the reality of the situation described in the Special Committee's report and evidenced Israel's desire to conceal the truth.

9. One need only refer to the memoirs of Theodor Herzl to see that, from the beginning, the aim of the Zionist movement had been to take over Palestine by driving out the poor people living there, with the complicity of landowners who were lured by the price offered for their land. However, when the Zionists had found that that approach had only been able to put them in possession of 5.5 per cent of the land, they had turned over the task of realizing their expansionist policy to the movement's military machine. The result had been the two wars of aggression, in 1948 and 1967. Nor could any limits have been set to that expansionist policy, since Herzl had envisaged adapting it to requirements, or, in other words, to the number of immigrants. It was in the same spirit that, after the 1967 war, Moshe Dayan, recalling that Israel's aim was the setting-up of an exclusively Jewish State, had planned the expulsion of the population of the occupied territories.

10. Thus, the Israeli authorities' campaign to destroy Arab homes had the twofold objective of impelling the Pales-

tinians to leave and of preventing their return if Israel should at any time pretend, for political reasons, to facilitate it. Similarly, the Israeli authorities were proceeding with the plan for Judaizing Jerusalem by confiscating not only property whose owners had been absent since 1948 but also property whose owners had not left until 1967. All those actions were taken under laws that were contrary to the fourth Geneva Convention. In addition, the Israeli authorities removed from the Arab population of the occupied territories many lawyers, teachers, students and the like who had been politically active among the population, on the pretext that their activities endangered Israel.

11. Again, the school curricula and textbooks for young Palestinians were designed in such a way as to make them indifferent to their national cause. The intellectual and cultural oppression to which the Arab population was subjected was a far cry from the Israeli representative's claim that Israel was a home for democracy which, by imposing the most liberal occupation in history, gave the Arabs more freedom than they had ever had.

12. Since 1967, the Israeli authorities had intensified measures for the establishment of settlements throughout the occupied Arab territories to set the seal on the fait accompli of Zionist domination. That intention was apparent in the statements of the Israeli leaders themselves. Since 1967, 44 Zionist settlements and 60 factories had been set up in the occupied Arab territories. The Israeli budget for 1975/76 allocated 431 million Israel pounds for the establishment of 33 settlements.

13. No further evidence was needed to show that the provisions of the fourth Geneva Convention were not being observed. International law, peace and security could not prevail in the Middle East so long as Israel maintained its position, so long as the Palestinian people were evicted from their homeland and so long as United Nations resolutions, the Universal Declaration of Human Rights and the Convention were being flouted. Although the United Nations had thus far been unable to deal with a situation for which it was responsible, that did not mean that the violations of international law which Israel had committed were sanctioned by international law itself. On the contrary, international law recognized the right of peoples to defend themselves against any act of aggression.

14. Mr. HAMMAD (United Arab Emirates) recalled that the statement by his delegation on the report of the Special Committee (986th meeting) had dealt with the violations committed against the people themselves, the natural resources of the territories and their institutions.

15. The representative of Israel, at the 985th meeting, had again asserted that for a number of legal reasons the fourth Geneva Convention did not apply to the occupied Arab territories. Despite many questions addressed to the Israeli delegation on what those legal reasons were, the Committee had never been given an answer. The Israeli delegation's refusal to answer was indicative of its inability to cite any reason.

16. Israel, like the Arab States, was a signatory of the fourth Geneva Convention. As such, it had undertaken to

¹ Convention relative to the Protection of Civilian Persons in Time of War (United Nations, *Treaty Series*, vol. 75, No. 973, p. 287).

respect and to ensure respect for the Convention in all circumstances (article 1). That was perfectly clear.

17. If it was not clear to the Israeli delegation, perhaps he should review the interpretation given in the Commentary on the Convention edited by Jean Pictet,² which stated that each State party to the Convention contracted obligations vis-à-vis itself and at the same time vis-à-vis others; the Commentary said that whether a war between parties to the Convention was “just” or “unjust”, whether it was a war of aggression or of resistance to aggression, whether the intention was merely to occupy territory or to annex it, in no way affected the treatment protected persons should receive. The Commentary even went beyond that, assigning obligations to all other parties to the Convention to see to it that the violator should respect the Convention.

18. Article 2 of the Convention, which provided that:

“... the present Convention shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

“The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance....”

also imposed an obligation upon Israel. Under the terms of that article, the inhabitants of the occupied territories were under the protection of the occupying Power.

19. In his delegation's view, the two articles quoted prescribed the attitude and practices that Israel should follow with respect to the territories it occupied.

20. If the Israeli delegation was still not convinced, one could also examine Israel's obligation to apply the Convention within the context of the generally accepted principles of the interpretation of treaties.

21. The first principle was that of interpretation by plain and natural means, that is to say, a natural, grammatical and logical interpretation. To the International Court of Justice, which had concerned itself with that principle, the question in the interpretation of a legal text was not what its authors had intended it to mean but what its actual wording meant. In the light of that principle, articles 1 and 2 of the Convention were perfectly clear: when it was stated that all parties undertook to respect the Convention in all circumstances, the statement could not mean anything else. Similarly, article 2 provided that the Convention should apply to all cases of armed conflict between the parties and to all cases of partial or total occupation. The meaning of the words used was simple, evident and unambiguous.

22. The second principle was the principle of context. According to that principle, the words of a legal text should

² Jean S. Pictet, ed., *The Geneva Conventions of 12 August 1949: Commentary, IV, Geneva Convention relative to the Protection of Civilian Persons in Time of War* (Geneva, International Committee of the Red Cross, 1958).

be interpreted in relation to their context, unless such interpretation led to a result which was manifestly absurd or unreasonable. In the light of that principle, the first principle—that of plain meaning—should conform to the contextual evidence of the intention of the parties.

23. The intention of the parties to the fourth Geneva Convention was very clearly underlined in the Commentary already cited. Dismayed at the violations of human rights committed during the First and Second World Wars, and having recognized the inadequacy of the Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land,³ the parties had wished to conclude a convention that protected civilians under all circumstances. The Commentary stated explicitly: “Besides, even if a State were to denounce the Geneva Convention, it would still be bound by the principles of that Convention, which are today the expression of valid international law in this sphere.”

24. The third principle of interpretation was that of recourse to the *travaux préparatoires*. The meaning of the Convention was clear enough not to require resort to that principle; however, an examination of the preliminary drafts and the comments, public statements and the like made by the participants in the preparatory work leading to the adoption of the Convention indicated that their intention had been to have the Convention applied by all parties, at all times, in all cases and under all circumstances.

25. The fourth principle of interpretation was the principle of major purposes. Generally, the terms of a convention could not be thoroughly comprehended unless they were read in the light of the purposes which had prompted its conclusion. In the case of the fourth Geneva Convention, those purposes were clear from the first articles or from a study of the various aspects of the Convention as a whole. In the light of those considerations, it was easy to see the objective aimed at by the authors of the Convention, namely, the protection of the human rights of civilians in occupied territories. That objective was outlined in the first articles of the Convention and could not be evaded by Israel or any other State party to the Convention.

26. Of course, international law provided each party to a treaty or convention with two ways of absolving itself, partially or in full, from its commitment. The first, which was partial, consisted in formulating, in accordance with article 14 of the Vienna Convention on the Law of Treaties,⁴ reservations concerning the applicability of certain provisions with regard to one or more States. But Israel could not have made such a reservation without denying the very purpose of the fourth Geneva Convention and making it inapplicable. So far as he knew, Israel had not made such a reservation. The second way open to a State party to a treaty or convention for absolving itself from its commitment was denunciation. Article 158 of the fourth Geneva Convention reserved that right to all parties. But Israel had not denounced the Convention.

³ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

⁴ *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), document A/CONF.39/27.

27. It was thus clear from what had been said that Israel was obliged by international law to apply the Convention to the occupied Arab territories. Therefore, Israel's claim that the Convention was not applicable to those territories had no foundation whatsoever.

28. Not only law and jurisprudence but the will of the international community as well showed the applicability to the occupied Arab territories of the Convention, which was designed to protect persons, resources and institutions against the occupying forces.

29. In those circumstances, he found it hard to understand how the Costa Rican delegation, which had recently proclaimed its objectivity in the matter, could have abstained in the vote on General Assembly resolutions 3092 A (XXVIII) and 3240 B (XXIX). The distribution of votes on those resolutions was significant, since not only "the Arab States and their friends" but all the countries of Western Europe also had voted for them.

30. In conclusion, he again challenged the representative of Israel to inform the Committee of the legal reasons invoked by his country.

31. Mr. QURESHI (Pakistan) recalled that international law regulated the conduct of occupying Powers and their exercise of authority in occupied areas by means of a number of conventions, such as the Geneva Convention relative to the Treatment of Prisoners of War⁵ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, both of 1949, the Hague Conventions of 1899 and 1907 and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.⁶ Those legal instruments were intended to protect, in so far as possible, the populations of occupied areas and their property. Following numerous reports about the violation of those rules by Israeli authorities, the General Assembly, in 1968, had established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (resolution 2443 (XXIII)). Despite Israel's lack of co-operation, the Special Committee had been able to conclude over the years that Israel was pursuing its policy of annexation and maximum exploitation of the labour force in the occupied territories, without any improvement in the living conditions of imprisoned persons or in education programmes for young people. In its seventh report (A/10272), the Special Committee had in fact indicated that the annexationist policy was being intensified and that the civilian population appeared more and more frustrated and discontented as a result of the acts of violence resulting from that policy. The statements of Israeli leaders themselves left no doubt of their true intentions. The establishment of Israeli settlements in the occupied territories had no other purpose than to ensure the presence there of the Jewish State. Moreover, one could not but be dismayed at the collective reprisals in the form of demolition of houses, mass arrests and forcible evictions and expulsions.

32. The people of Pakistan felt deep concern at those events. They were particularly distressed at the Israeli

actions to change the character of the Holy City of Jerusalem and other holy places such as the Al Aqsa and Al-Ibrahimi mosques. The Israelis were in fact intending to make excavations near the western part of the Al-Burak wall, on the pretext of expanding the area cleared in front of that wall in 1967. That project would necessitate the destruction of Arab houses and land in the Holy City, some of which had historical and religious value. The wall and the entire area surrounding it were Islamic property, as confirmed by the League of Nations in 1930, since they were part of the mosque square.

33. Israel had also taken steps which endangered the religious and physical integrity of the Al-Ibrahimi mosque, one of the most sacred and most venerated Islamic holy places. Its desecration, the prohibition of Moslems from going to pray there, the demolition of some parts of it, and its isolation had aroused a wave of indignation throughout the Islamic world. There had already been confrontations between the indigenous Arab population and the Israeli authorities, posing a new threat to peace and security in the area.

34. His delegation could not countenance such actions; they were contrary to the provisions of article 27 of the fourth Geneva Convention, which guaranteed to protected persons respect for their religious convictions and practices and their manners and customs. In fact, all measures aimed at changing the physical character, demographic composition, institutional character and economic aspects of the occupied areas were null and void under the terms of articles 47 and 49 of the same Convention. The Israeli authorities must without delay renounce such illegal and provocative practices, both currently and for the future. The gravity of Israeli actions in connexion with the Al-Ibrahimi mosque was in itself sufficient to warrant the adoption of a separate resolution by the General Assembly.

35. The concern of the world community had also been rightly aroused by the deliberate destruction of the town of Quneitra by Israeli forces before their withdrawal under the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974.⁷ The town had been reduced to a mound of rubble. It was that act which had impelled his delegation in 1974 to co-sponsor General Assembly resolution 3240 C (XXIX) on that subject. His delegation noted with satisfaction that a survey to assess the nature, extent and value of the damage caused to the town had been begun (*ibid.*, paras. 169 and 170), and hoped that it would soon be possible to apportion compensation.

36. The people under Israeli occupation were suffering doubly. Not only were they subjected to occupation but the occupying Power continued to violate their basic rights in defiance of all international conventions. His delegation fully shared the conviction expressed by the Special Committee that the termination of the occupation would alone provide the surest guarantee of the restoration of the basic human rights of the population of the occupied territories (*ibid.*, para. 189), and would therefore continue to exert every effort for the elimination of all forms of

⁵ United Nations, *Treaty Series*, vol. 75, No. 972, p. 135.

⁶ *Ibid.*, vol. 249, No. 3511, p. 215.

⁷ *Official Records of the Security Council, Twenty-ninth Year, Supplement for April, May and June 1974*, document S/11302/Add.1, annex. I.

aggression from the occupied Arab territories and for the full recognition of the inalienable rights of the Palestinian people. Pending the attainment of that objective, it would lend its full support to every move seeking to ensure that the occupying Power acted and behaved in accordance with the law governing situations of occupation.

37. Mr. LAI Ya-li (China) said that the report of the Special Committee and the statements by the representatives of many Arab countries had presented an abundance of irrefutable facts exposing the atrocities committed by the Israeli Zionists in the occupied territories, in flagrant violation of the fourth Geneva Convention of 1949. His delegation wished to express deep sympathy for the Palestinian people and other Arab peoples and firmly supported the just position of the Arab and other third-world countries which strongly condemned Israeli aggression. It also wished to thank the Special Committee for the objectivity with which it had exposed the crimes committed by the Israeli authorities.

38. The problem which arose in the territories occupied by Israel was in essence a struggle between, on the one hand, the Israeli Zionists, who were carrying out a policy of aggression and expansion with the support of the super-Powers, and on the other hand, the Palestinian and other Arab peoples who were fighting against that aggression and expansion. That problem could only be solved by the termination of the illegal Israeli occupation of the Arab territories, the return of the occupied territories to the Arabs, and the recognition of the Palestinian people's national rights. However, the Israelis were not prepared to change their attitude. On the contrary, in 1975, while stepping up their repression of the people in the occupied territories, the Israeli authorities had been pushing a policy of "Zionization", forcing the Arab inhabitants to leave certain places and establishing many Jewish settlements. The Israeli leaders attached very great importance to the settlement of Israelis in the occupied areas, and hoped to use that situation to define their new boundaries. In June 1975 the ruling party had approved a map of the so-called final boundaries of Israel, which incorporated the Golan heights and the Gaza strip.

39. As was known to all, the Israeli Zionists were currently in a difficult situation both at home and abroad. At home, Israel was deeply in debt and riddled with inflation because of the constant increase in military expenditures. Internationally, Israel had been ceaselessly condemned, a large number of African countries had severed diplomatic relations with it, and it was currently isolated. One might therefore wonder why Israel, with its very limited resources and enormous difficulties, was pursuing its policy of aggression and expansion, thus incurring the enmity of over 100 million Arabs. An Arab leader had answered that question: Israel enjoyed the protection of the two super-Powers. In order to achieve hegemony over Europe and the whole world, and in order to overpower and weaken its rival, each of them needed to maintain an unstable situation in the Middle East. One super-Power had from the very outset given energetic support to Israel and continued to do so. The other acted in a more cunning manner. While styling itself a natural ally of the Arab world, it was resorting to the imperialist trick of "divide and rule" and was doing its utmost to undermine

Arab unity. It kept on boasting about its "tremendous" and "selfless" aid to the Arab countries, but many facts showed that that so-called aid was nothing but a means of interfering in the internal affairs of the recipient countries and contending for hegemony in the Middle East. It ostensibly condemned Israeli aggression, but in fact was providing Israel with support which simply increased the aggressive arrogance of Israeli Zionism. It sent a steady flow of emigrants to Israel, despite the strong opposition of the Arab countries and the condemnation of world opinion. In five years it had sent over 100,000 emigrants to Israel. According to press reports, at least two divisions of the Israeli army were composed of Jewish immigrants who had come from that super-Power in recent years. The Islamic Conference of Foreign Ministers at its sixth session, held at Jidda from 12 to 16 July 1975, the Assembly of Heads of State and Government of OAU at its twelfth ordinary session, held at Kampala from 28 July to 1 August 1975, and the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, had all condemned those countries which gave military, economic and manpower support to Israel. That super-Power had turned a deaf ear to all that. Moreover, at a time when Israel was becoming increasingly isolated internationally, that super-Power had overt and covert contacts with it, even going so far as to organize secret talks between the two Ministers for Foreign Affairs. That was a flagrant encouragement to the policy of aggression and expansion pursued by the Israeli Zionists and a shameless betrayal of the cause of the Palestinian and other Arab peoples.

40. The situation was clear: the struggle for hegemony was the root cause of the failure to achieve a settlement of the Middle East question and the question of human rights in the territories occupied by Israel. The Arab countries themselves, due to the experience they had acquired in their prolonged struggle, had now concluded that they could only achieve victory by linking their struggle against Israeli Zionism with the struggle against super-Power hegemony.

41. The Chinese Government and people had always firmly supported the Palestinian and other Arab peoples in their just struggle against Zionism and hegemony, to recover their territories and regain their national rights. That struggle was an important component of the third-world struggle against imperialism and hegemony. Despite the opposition of the super-Powers and the Zionists it was the Arab people, who numbered well over 100 million, who held the real power in the Middle East. Their struggle was difficult but the future was bright. His delegation was convinced that so long as the Palestinian and other Arab peoples persevered in unity and struggle, they would frustrate the plots and intrigues of the super-Powers, defeat the Israeli aggressors, recover their territories and regain their national rights.

42. Mr. DABIRI (Iran) thanked the Chairman and the other members of the Special Committee for their report (A/10272), which was excellent, and said that the Special Political Committee, in considering the annual reports of the Special Committee, consistently felt disappointed and frustrated. The latest report of the Special Committee painted a sombre picture of the situation in the occupied

territories. There was no sign of any change in the policy and practices of the Israeli authorities. Israel was pursuing its annexation policy without respite and the establishment of new settlements in the occupied territories had continued unabated. Statements by Israeli leaders and articles in the Israeli press on that subject gave rise to the greatest concern.

43. The conditions in which the civilian population lived were likewise a source of serious concern. The report of the Special Committee showed that many violent incidents had occurred in the occupied territories in 1975, and that the occupying Power had responded to various manifestations of resistance on the part of the Arab population with implacable repression, even going so far as to destroy dwellings and workshops, as had been seen in the film shown for the members of the Committee during the course of the 985th meeting. His delegation considered that all those measures were contrary to the resolutions of the United Nations.

44. The International Committee of the Red Cross (ICRC), whose impartiality had never been questioned, had condemned those repressive measures and had stated in its annual report⁸ that they were contrary to the provisions of the fourth Geneva Convention (*ibid.*, para. 180).

45. His delegation had tried to confine itself to analysing the facts brought out by the testimony given to the Special Committee, and those facts constituted damning evidence against Israel. That proved once again that recourse to violence in defiance of human rights made it even more difficult to find favourable conditions for the establishment of a climate of peace and harmony in the area.

46. His delegation endorsed the conclusion of the Special Committee that termination of the occupation would alone provide the surest guarantee of the restoration of the basic human rights of the population of the occupied territories (*ibid.*, para. 189).

47. Mr. TARCICI (Yemen) observed that for the seventh time the Special Political Committee was considering a report of the Special Committee. At each session, the United Nations condemned the usurping Zionist régime, which did not hesitate to violate human rights, ignored United Nations resolutions, disregarded the principles of the Charter and refused to apply the provisions of the fourth Geneva Convention. In its latest report, as in earlier reports, the Special Committee described the fate reserved for all those who struggled against oppression and were subjected to various forms of ill-treatment and torture (*ibid.*, para. 163). It had collected evidence relating to a policy of reprisal against civilians (*ibid.*, chap. IV, sect. C), despite the fact that the occupying authorities had continued, in defiance of the decisions of the international community, to refuse to permit the Special Committee to visit the occupied territories. Although the Special Committee had therefore been able to collect only a limited amount of information and many crimes remained unrevealed, it had established clearly that Israel, defying the rules of international law and particularly the provisions of the fourth Geneva Convention, continued to establish

settlements in the occupied Arab territories and to violate the human rights of the population of those territories. In its annual report for 1974, ICRC mentioned expulsions and the destruction of dwellings ordered by the Israeli authorities under the heading of repressive measures, in violation of articles 49, 33 and 53 of the fourth Geneva Convention and mentioned the concern it felt about the situation of the victims whose homes were destroyed by the Israeli army in the occupied territories, which was often aggravated by the arrest of one or more members of the family concerned (*ibid.*, para. 180).

48. ICRC had quoted many instances of such destruction and had reported that it had communicated its viewpoint to the Israeli authorities as to the principle of carrying out the destruction of houses and the deep concern it felt about such acts, and requested that steps should be taken to find homes for the victims (*ibid.*); for its part, the Special Committee had expressed the opinion that the large-scale arrests reflected a tendency towards communal or collective punishment as an alternative to proper investigation for the purpose of tracing the responsible parties (*ibid.*, para. 181) and that the measures taken by the Jerusalem occupation authorities and the imprisonment of Archbishop Capucci were contrary to the provisions of article 47, 64 and 66 of the fourth Geneva Convention (*ibid.*, para. 186).

49. The Special Committee had concluded from the evidence before it that the occupying Power continued to behave in flagrant violation of the basic rights of the population of the occupied territories and in defiance of relevant international conventions, and it reiterated its conviction that the termination of the occupation would alone provide the surest guarantee of the restoration of the basic human rights of that population (*ibid.*, paras. 188 and 189). The violations by Israel of the human rights of the population of the occupied territories had therefore been confirmed by the Special Committee's report, by the statement of its Chairman, by the reports of ICRC and finally by the film recently shown to members of the Committee.

50. Nevertheless, the information media covering the work of the United Nations had failed to draw the attention of public opinion to the danger of those inhuman, immoral and illegal practices. However, when four fifths of the inhabitants of the globe, represented by 72 States Members of the United Nations, had expressed their conviction that the Zionist régime was a racist régime in the same way as nazism and *apartheid*, and had adopted a historic resolution condemning Israel, the information media and the other organs dominated by the Zionists had expressed their indignation. One could only regret also that when the United Nations, through its specialized agencies, condemned the Zionist régime for its repeated violations of human rights, which were irrefutably proved, the media, betraying their mission, failed to inform world public opinion and, in particular, public opinion in the United States. Thus, the American people were paying heavy taxes in order to provide millions of dollars for the Zionist régime and to support the violation by Israel of United Nations resolutions, the Universal Declaration of Human Rights and the will of the international community. In fact, if the American people knew the truth, they would certainly help the victims of aggression.

⁸ Annual Report 1974 (Geneva, International Committee of the Red Cross, 1975).

51. The Special Political Committee was therefore duty bound to reveal the truth which certain people were trying to hide, and to bring moral pressure to bear on Israel so as to put an end to the violations of human rights and the abnormal situation prevailing in Palestine, as the Special Committee had recommended. Obviously, it was necessary to extend the mandate of the Special Committee, which must be commended for the objectivity it had sought to maintain by resisting all pressures and for its desire to ensure that human rights were respected.

52. Since the adoption of General Assembly resolution 3237 (XXIX) granting observer status to the Palestine Liberation Organization (PLO), the Committee had been able to hear not only the representatives of the occupation authorities but also the representatives of most of the victims of aggression through the voice of the representatives of PLO. He could find no better conclusion to his statement than to quote the words of a Palestinian poet who had said that those who committed injustice had exceeded the limit.

53. Mr. KI (Upper Volta) commended the conscientious manner in which the Special Committee had carried out its mission, in conditions made all the more difficult by the repeated refusal of Israel to co-operate with the United Nations and to authorize the Special Committee to visit the occupied territories. It was clear from the Special Committee's report that the conclusion of the agreements on disengagement of forces had brought about no noticeable improvement in the fate of the population of the occupied territories, where Israel, continuing its policy of annexation and colonization, had gone on establishing settlements. The construction of towns and villages could not be justified by security reasons. It revealed, rather, Israel's determination not to evacuate the occupied territories, in defiance of the expressed will of the international community, and it was legitimate to ask whether disengagement did not in fact represent a policy of deception designed to lull the righteous anger of the Arab peoples. One could only continue to condemn vigorously that policy of annexation which accorded neither with the principles which had always guided the United Nations and were at the very basis of its establishment nor with the aim of peace, for it could only make negotiations more difficult.

54. The report of the Special Committee also dealt with the violations of the human rights of the Arab population in the occupied territories. In a century in which nationalism was stronger than ever, it was obvious that that population had never accepted the Israeli yoke and history showed that any form of colonization was necessarily accompanied by a régime of terror directed against the civilian indigenous populations. However, the era of conquest and colonization had now passed; the international community was currently seeking more and more to be the guarantor of human rights, and had gone so far as to dispute that prerogative with Governments. Even in a time of armed conflict, those rights were protected by international legislation, in particular by the two Geneva Conventions—the Convention relative to the Treatment of Prisoners of War and the Convention relative to the Protection of Civilian Persons in time of War—the Hague Conventions of 1899 and 1907, and the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed

Conflict. It was extremely regrettable that Israel was not obeying the provisions of the fourth Geneva Convention, which it had nevertheless signed, as its Arab neighbours had done, because of its so-called reservations to that Convention, and was continuing to take measures of collective repression which were contrary to the spirit of that Convention.

55. His delegation felt it was high time for the population of the occupied territories to recover its legitimate rights. That would not be possible unless those territories were completely evacuated by Israel, as the United Nations had requested on many occasions. In other words, the problem would not be solved except within the framework of a complete and final settlement of the Middle East question.

56. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that once more the representative of China had taken the opportunity to express outrageous slanders against the Soviet Union. It would seem that the tragic destiny of the Palestinian people concerned China only to the extent that it could use their fate as a pawn on its political chessboard. In its desperate battle against the Soviet Union, the representative of China had gone so far as to insult the allies of the Soviet Union, which had always supported the Arab peoples—particularly the Palestinian people—against Israeli aggression. That was indeed an important aspect of the foreign policy of the USSR. In order to refute the lying allegations of the representative of China, he would merely quote the words of Yasser Arafat, who had stated in an interview granted to the magazine *U.S. News & World Report* that the USSR was the faithful ally of the Palestinian revolution and of all the Arab peoples who were fighting to expel the Israeli invader from the occupied territories and to uphold the legitimate rights of the Palestinians.

57. Mr. YANG Ming-liang (China), speaking in exercise of the right of reply, said that in its previous statement the Chinese delegation had exposed the hypocritical and double-dealing tactics on the part of Soviet social-imperialism on the Middle East question in its contention with the other super-Power for hegemony. It was futile for the Soviet representative to level vicious slanders against China while trying hard to whitewash himself, for the speech which the representative of China had made was based on facts which were more eloquent than the Soviet representative's statement or than his self-glorification. His delegation would cite one more fact. At its twenty-ninth session the General Assembly had adopted resolution 3240 A (XXIX) in operative paragraph 8 of which it reiterated its call upon all States to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in that resolution. Although it had voted in favour of the resolution, the USSR had continued to send emigrants to Israel, thus helping Israel to pursue its policy of "Zionization". Moreover, the Foreign Ministers of the USSR and Israel had entered into talks, and preparations had been under way for the resumption of diplomatic relations so as to help Israel free itself from its political isolation. Was that not a flagrant violation of the resolutions of the General Assembly and a typical example of downright hypocrisy and duplicity? Apparently, at the current session, the General Assembly

would adopt a similar resolution and the Soviet representative would probably again vote in favour of it with impudence. But would the Soviet Union henceforth cease to render assistance to the Israeli aggressors and refrain from violating the resolutions of the General Assembly? The ugly performance of the Soviet Union on the Middle East question was determined by its social-imperialist nature which would never change.

58. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the members of the Committee had become inured to the constant anti-Soviet tirades of the Chinese representative and he himself would reply only with scorn except that the Chinese statements were inspired by sinister motives to which he would like to draw the Committee's attention. What was in fact the objective pursued by the Chinese representative in his perpetual attacks against the Soviet Union, regardless of the item being considered? The Maoists would like to spread the idea that a nuclear war between the Soviet Union and the United States was inevitable and they were trying by every means at their command to provoke such a conflict, which in fact they desired, hoping to find thereby a means of asserting their hegemony. It was therefore logical that China should do everything in its power to aggravate the conflict in the Middle East and to keep repeating its slanders against the Soviet Union, which had become the champion of peace in the entire world, and particularly in the Middle East, where it was engaged in numerous initiatives to achieve a peaceful

settlement. Whereas the position adopted by China played into the hands of the Israeli aggressor, it was a well-known fact that, with the disinterested help which the USSR had never stinted, the Arab peoples had been able to fight against Israeli aggression. In spite of its pathological hatred of the USSR, a hatred which embraced all the Socialist countries, the representative of China knew very well that the Arab peoples were not fighting with slogans and vituperations, with which the Chinese representative was so lavish, but with arms provided by the USSR.

59. Mr. WU Tsien-min (China), speaking in exercise of the right of reply, said that, as it was easy to foresee, the representative of the USSR had carefully avoided replying directly to the facts quoted by the Chinese delegation. He had tried to retaliate by accusing China of seeking to provoke a third world war, thus using the well-known diversionary manoeuvre of the robber calling for assistance. In fact, it was becoming more and more obvious that Soviet social-imperialism was the most dangerous source of conflict in the world and it was not through lies and sophistry that the USSR representative would succeed in hiding that fact.

60. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics) said he reserved his right to exercise the right of reply at the next meeting of the Committee.

The meeting rose at 12.55 p.m.

989th meeting

Tuesday, 2 December 1975, at 3.15 p.m.

Chairman: Mr. Roberto MARTINEZ ORDOÑEZ (Honduras).

A/SPC/SR.989

AGENDA ITEM 52

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (*continued*) (A/10074, A/10128, A/10163-S/11780, A/10164-S/11784, A/10174-S/11797, A/10178-S/11799, A/10204-S/11809, A/10272, A/10286, A/10370)

GENERAL DEBATE (*continued*)

1. The CHAIRMAN invited the representative of the Palestine Liberation Organization (PLO) to address the Committee.

2. Mr. TERZI (Observer, Palestine Liberation Organization) said that he felt he should inform the Committee that a few hours previously, in the land of peace, which was under the domination of the Zionist régime, 30 Zionist aircraft had savagely attacked Palestinian refugee camps and villages in Lebanon with rockets, bombs and machine-gun fire. A primary school had been seriously damaged and many civilian houses destroyed. The aircraft had also

bombed the oil refinery at Tripoli, setting it on fire. The air raid, which had lasted 45 minutes, had left 57 dead and 110 wounded.

3. Mr. KORNEYENKO (Ukrainian Soviet Socialist Republic) said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272), contained many irrefutable facts showing that Israel, regardless of the Charter of the United Nations, international law, numerous resolutions and other international instruments, continued to violate the human rights of the Arab population of the occupied territories. The many examples recorded by the Special Committee, despite the difficulties created by Israel, had shown that the Arab population of the occupied territories was the victim of a policy of colonization systematically carried out by the Zionists, involving the use of such methods as demolition, expulsion, deportation and mass arrests.

4. Israel's policy clearly illustrated its expansionist designs. According to *The New York Times*, 55 towns had been created to mark the new frontiers of Israel. They provided