



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1988/SR.4
9 February 1988

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 4th MEETING

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

Chairman: Mr. SENE (Senegal)

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The meeting was called to order at 3.10 p.m.

ART EXHIBITION TO CELEBRATE THE FORTIETH ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS

1. The CHAIRMAN announced that an exhibition of works by about 30 Portuguese artists had been organized at the entrance to the meeting room to commemorate the fortieth anniversary of the Universal Declaration of Human Rights. On behalf of the Commission, he thanked the Portuguese delegation for that exhibition, which well illustrated man's creative genius not only in the defence of human rights but also in the quest for beauty and truth through art.

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

2. Mr. RODRIGO (Sri Lanka) congratulated the members of the Bureau on their election and assured them of his delegation's fullest co-operation in the weeks to come. His country, together with Yugoslavia and Senegal - the latter being represented by the present Chairman of the Commission, was a member of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Chairman was in a particularly good position to understand the gravity of the human rights situation in the occupied territories, which had been reported in the media for several weeks. However, the coverage that had recently been given to the repression of the mounting resistance to the occupation should not obscure the long history of violation of the human rights of the Arab and Palestinian peoples. In fact, the instability, disturbances and violence in the occupied territories had been only occasionally interrupted by periods of deceptive calm, even though the region was the cradle of three of the world's greatest religions and moral doctrines.

3. In preparing its report, the Special Committee had endeavoured to present "a composite picture of the reality in the occupied territories as it affects the human rights of the civilian population" (A/42/650, p. 4). The report illustrated the consequences of the Israeli Government's pursuit of its policy of annexation of the occupied territories. The recent events could hardly be described as random manifestations of discontent; in fact, they reflected widespread resistance to the Israeli occupation and the denial of fundamental human rights. He gave the following few examples from the long list of human rights violations committed by the occupying Power.

4. Israel had imposed its legislation, jurisdiction and administrative fiat on the Golan Heights, a situation which constituted the de facto annexation of that Syrian territory. New Israeli settlements had been established in the West Bank and Gaza Strip with a view to altering the demographic composition of the occupied territories to the detriment of their Arab inhabitants, whose lands had been confiscated and expropriated and who had themselves been expelled and deported. The Security Council had unanimously condemned the expulsion of four residents of the West Bank in January, but article 49 of the Fourth Geneva Convention had already been frequently violated in the past. In short, the occupied territories were regarded as forming part of the State of Israel, in violation of the Geneva Convention. The arbitrary arrests, detentions, trials and sentences passed on Palestinians in the occupied

territories, the mistreatment and harassment of civilians, and the collective punishments inflicted for purposes of intimidation in violation of article 33 of the Geneva Convention, as noted in the Special Committee's report, constituted an attempt to deny the very existence of Palestine. Israel was relying on military force in its attempts to absorb the Arab territories and was denying the inalienable human and national rights of the Palestinians, reducing them to the status of permanent refugees in internal exile. Sri Lanka had firmly condemned the threat or the use of force in international relations. Force should not play a role in international disputes. Moreover, it should not be forgotten that humble stones had brought down mighty Goliaths.

5. The question of the human rights of the Palestinian people was enmeshed in a web of other strategic and geopolitical factors which, being perceived as vital to certain interests, were playing a major role in determining the fate of the human and national rights of the population of the occupied territories. Unfortunately, that was also the case in other parts of the world, where the fate of a nation could be subject to factors that were unrelated, and even inimical, to its interests.

6. He quoted Albert Einstein, who had written that "peace in Palestine cannot be achieved by force but only through understanding". However, the situation was not entirely bleak in so far as the occupation, and the "iron fist" policy that sustained it, would henceforth have to contend with factors that would eventually prevail.

7. International opinion was gradually moving towards a consensus concerning the need for a peaceful negotiated settlement of the complex question of the Middle East, the crux of which was the question of Palestine. In fact a solution to that question was the key to lasting peace in that region. Sri Lanka and the great majority in the international community had identified and endorsed the elements of a settlement. The Palestinians must recover their inalienable national rights, including the right to return to their homeland in full security, the right to self-determination and the right to establish an independent State without external interference or pressure. Israel must withdraw from all occupied Arab and Palestinian territories and must dismantle illegal settlements established in those territories. Finally, the PLO, as the legitimate representative of the Palestinian people, must participate, on an equal footing, in any conference on the Middle East.

8. He quoted a message to that effect sent by Mr. J.R. Jayewardene, the President of Sri Lanka, on the occasion of the International Day of Solidarity with the Palestinian People, and recalled that his country had voted for General Assembly resolution 42/209 A concerning the situation in the Middle East, which called for the holding of an international peace conference on the Middle East. He welcomed the increasing support that was being given to the concept of such a conference and was pleased to note that the recent events had been described by nine Christian Churches in Jerusalem as "a visible expression of their people's desire to achieve their rights and aspirations".

9. Mr. ELLA (Nigeria) noted with pleasure that the Commission's deliberations were being conducted by the representative of a sister country, Senegal. He offered his warmest congratulations to the representative of Senegal, and also to the outgoing Chairman and the other members of the

Bureau. Since the illicit occupation of Arab territories by Israel in 1967, the Commission had expressed concern every year at the violation of the human rights of the population of the occupied territories. However, Israel had shown nothing but contempt for the Commission's resolutions and also for those adopted by the General Assembly and the Security Council, in which they had called for the restoration of those rights. Although the occupation of those territories in itself constituted a grave violation of the human rights of the civilian population, the situation had been aggravated by Israel's adoption of further measures such as the annexation of certain areas, the establishment of settlements, expulsions, deportations and transfers of populations, house and/or town arrests, the destruction of dwellings, collective punishments, mass arrests and ill-treatment, the torture of detainees, the sanguinary dispersal of demonstrations, etc.

10. He drew attention to Security Council resolution 465 (1980), which affirmed that the Fourth Geneva Convention was applicable to the occupied territories, and read out article 1 and the first paragraph of article 49 of that Convention which Israel, although a party to the Convention, had made no effort to respect.

11. The Commission would be failing in its duty if it did not adopt effective measures to solve the problem of human rights in the occupied territories. The escalation of hostilities, during which many lives had recently been lost, illustrated the anguish prevailing in the area. Moreover, the Secretary-General's most recent report on the situation in the occupied territories confirmed that Israel had used disproportionate force in dealing with demonstrations and that a political settlement of the problem was needed, through an international conference held under United Nations auspices.

12. His delegation deplored the fact that the Security Council had failed to adopt a resolution again calling on Israel, to recognize the applicability of the Fourth Geneva Convention to the occupied territories, to refrain from violating the human rights of the Palestinian people, and to facilitate the task of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The "iron fist" policy, which would never prevail over the Palestinian struggle for self-determination, would inevitably prove counter-productive.

13. Nigeria had always been in favour of the peaceful solution of conflicts. Accordingly, his delegation fully supported the call for the early convening of an international conference with a view to reaching a negotiated settlement of the problem. The Commission, too, should lend its full weight to the holding of such a conference. Both the Israelis and the Palestinians needed peace.

14. Mr. FISSENKO (Byelorussian Soviet Socialist Republic) said that the Universal Declaration of Human Rights was a truly authoritative instrument, inter alia because it established principles for international co-operation in the area of human rights. Accordingly, he suggested that the occasion of the forthcoming fortieth anniversary should be used to consider each item on the Commission's agenda from the standpoint of the various provisions of the Universal Declaration. For his part, and particularly in regard to agenda item 4, he intended to examine the situation in the occupied territories in that light.

15. Quoting article 1 of the Universal Declaration, he asked where were the dignity and spirit of brotherhood that should prevail in the Palestine region where, for the past two months, there had been constant shootings for the ostensible purpose of dispersing demonstrations. The provisions of article 3 were also surely being flouted when scores of peaceful citizens were killed or wounded by the Israeli armed forces which, for their part, could not invoke any right of self-defence. The same applied to the provisions of article 5 of the Universal Declaration. In that connection, he pointed out that, according to a Beirut newspaper, more than 800 arrested Palestinians had been detained in prisons and camps and, by a decision of the military authorities, military courts had been established before which teenagers were being subjected to exhausting interrogations. He then considered article 9 of the Universal Declaration in the light of Reuters dispatches, according to which the occupation forces were engaging in searches, arrests and beatings in the Gaza Strip. Under article 16, paragraph 3, of the Universal Declaration, "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State". However, as a result of the situation in Lebanon, children were being deprived of their childhood and 12,500 of them had been disabled, 4,000 being paralysed. Whichever article was used as a yardstick to examine the situation of the population of the occupied territories, one could not fail to be struck by the flagrant violations of human rights and fundamental freedoms for which the Israelis were responsible.

16. The Special Committee's report (A/42/650), which had been studied in depth by the General Assembly at its forty-second session, highlighted a whole series of acts that illustrated the cruel and inhuman behaviour of the Israeli authorities. As a result of the "iron fist" policy adopted in 1986, "the climate of tension and violence that already prevailed in the occupied territories has been intensified" (para. 207). In those circumstances, it was impossible not to endorse the conclusion reached by the Special Committee, which believed that the situation in the occupied territories revealed a continuing deterioration in the exercise of human rights and fundamental freedoms by the civilian population (para. 216).

17. In December 1987, the Security Council had adopted a resolution (605 (1987)) strongly deploring the policies and practices of Israel. At an emergency meeting in January, it had unanimously adopted another resolution in which it expressed its concern and addressed an appeal to Israel. In defiance of that resolution, Israel was still pursuing its policy of terror. The whole international community had condemned Israel's illegal acts, protested against the "iron fist" policy and expressed its solidarity with the Palestinian people on numerous occasions. He referred, in particular, to the statements made on that subject by Mr. Bruno Kreisky and Mr. Yasser Arafat. In Israel itself, there had been protests against the policy being pursued by the Israeli Government. In fact, one would have to be blind not to see how, day after day, the civilian population, armed only with stones and rudimentary petrol bombs, was clashing with the regular army, which did not hesitate to use its weapons. Events had proved that that conflict remained one of the world's most serious problems and that it must be solved without further delay. At the most recent session of the General Assembly, an overwhelming majority of States had voted in favour of the organization of an international conference in which the five permanent members of the Security Council would participate, together with all the parties to the Arab-Israeli conflict, including the PLO. In his country's view, the time had come to give practical effect to the demands of the international community.

18. Mr. FRAMBACH (German Democratic Republic) said that the world-wide reactions to the recent events and the acts of violence committed by Israel in the occupied Arab territories furnished convincing proof of the fact that States and peoples were unwilling to condone that policy and the continuing violations of human rights by Israel. In the nuclear and cosmic age, the world was becoming more aware that questions relating to the guarantee of all human rights were becoming increasingly relevant to the preservation and strengthening of international peace and security. Moreover, given the increasing interdependence of today's world, the violation of the generally recognized norms governing comity among nations entailed unforeseeable consequences. International conflicts were fraught with the risk of uncontrollable escalation that could jeopardize the very survival of mankind, and the massive and systematic violations of human rights that had been observed in various parts of the world could trigger such an escalation. For that reason, Israel's policy had given rise to world-wide concern and was being denounced by an increasing number of States.

19. As had been noted by the Secretary-General of the United Nations in his report submitted to the Security Council on 21 January 1988, the recent disturbances were a reaction by Palestinians to 20 years of occupation without any hope of it being brought to an early end. It was a fact that the Israelis were constantly flouting the norms of international law and the decisions of the world organization, driving Palestinians from their homeland, acting as self-styled guardians of law and order in the occupied territories, killing defenceless civilians, besieging refugee camps and declaring a state of emergency at will. Israel was well aware that those acts were incompatible with the norms of international law, since it was preventing the media from covering events in the occupied territories.

20. The Security Council had repeatedly been compelled to deal with the question because of the gravity of the acts of violence that were endangering peace, and Israel had been isolated to a large extent. Nevertheless, the situation had not been improved by the vigorous denunciation of that policy, or by the relevant resolutions calling upon Israel to abide by the Geneva Convention relative to the Protection of Civilian Persons in Time of War and to desist from deportations. The time had accordingly come to give effect to the relevant decisions adopted by the United Nations, particularly since that policy of force was not only directed against individuals or a specific population group, but reflected disregard for the inalienable and sovereign rights of an entire people to independence and statehood.

21. In paragraph 206 of its report (A/42/650), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had concluded that: "The basic principle of the policy is that the territories occupied by Israel constitute a part of the State of Israel. This policy has led to various measures to establish settlements, to expropriate property, to transfer Israeli citizens to the occupied territories and to encourage directly or indirectly, the Palestinian population to leave their homeland". In paragraph 207, the Special Committee had also concluded that: "Within this general context, and as a result of the 'iron fist' policy adopted last year, the climate of tension and violence that already prevailed in the occupied territories has been intensified and reached a climax during the period under consideration".

22. It was becoming increasingly evident that the continuously explosive situation in the Middle East necessitated immediate action in order to put an end, once and for all, to the violations of human rights and to help bring about a comprehensive, just and lasting solution to the intricate and multi-faceted problems in that region, as had been called for by the Secretary-General of the United Nations, the Council of Ministers for Foreign Affairs of the League of Arab States and the United Nations Security Council. The German Democratic Republic fully supported the Soviet proposal to convene a Security Council meeting at the foreign-minister level in order to discuss immediate practical steps to convene an international conference on the Middle East, to be attended by participants from all the parties concerned, including Israel and the PLO, the sole legitimate representative of the Palestinian people, together with the permanent members of the Security Council. His delegation reaffirmed the right of the Palestinian people to establish an independent State and called for Israel's immediate and unconditional withdrawal from all the territories occupied since 1967, and for the guarantee of the right to independence and development of all the States and peoples of that region.

23. Realism and common sense, as well as a genuine desire to settle conflicts exclusively by peaceful means, with due regard for the legitimate interests of all States and all peoples, were a sine qua non for any solution. In view of the extremely tense situation in the Middle East, the Commission would be called upon to take decisions aimed at ending the violations of human rights in the occupied territories and bringing the conflict nearer to a settlement. He assured the Palestinian people, the PLO and the other Arab States of his country's solidarity and support in their struggle for peace and national independence.

24. Mr. HARUN-UR-RASHID (Bangladesh) said that the question of human rights in the occupied Arab territories, including Palestine, was a matter of great concern to the international community, as could be seen from the deliberations of the Commission on Human Rights during the past 20 years, the conferences, seminars and meetings that had been held on that question, and the numerous resolutions in which all those gatherings had expressed their condemnation and concern. At the present session, the Commission's deliberations were beginning in particularly disturbing and tragic circumstances, since the human rights situation in the West Bank and Gaza Strip had deteriorated dramatically in recent months.

25. Not only were the Palestinians under illegal Israeli occupation being subjected to flagrant violations of human rights and fundamental freedoms, but the frequency and enormity of such violations had reached unprecedented levels. In order to suppress an absolutely spontaneous uprising by the Palestinian people struggling to recover their inalienable rights, the Israeli authorities had resorted to arbitrary arrests, beatings, detentions without trial, deportations, collective punishments and mass reprisals, which constituted an affront to human dignity and civilized behaviour.

26. In its report to the General Assembly (A/42/650), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories painted a vivid picture of the policy of terror and oppression pursued by the occupying Power, a picture which fully reflected the gravity of the situation. The Government and people of Bangladesh had

been deeply shocked by the acts of violence to which the unarmed civilian population of the West Bank and Gaza Strip was being subjected. His country had strongly condemned the atrocities perpetrated by the occupation forces and had expressed its full support for the Palestinian people in its struggle to establish a sovereign independent State in its homeland, under the leadership of the PLO, its sole legitimate representative. Bangladesh was firmly convinced that the root cause of the problem could not be tackled without guaranteeing the exercise of that inalienable right by the Palestinian people. Accordingly, his country was in favour of the convening of an international conference on the Middle East, under United Nations auspices, in which all the parties directly concerned, including the PLO, would participate on an equal footing.

27. The Commission could not remain silent in the face of the rapidly deteriorating human-rights situation in the occupied territories. It must continue to bring pressure to bear on the occupying régime by mobilizing international public opinion and devising further effective measures to help the oppressed population of the occupied Arab territories and to put an end to its sufferings. In that context, his delegation noted with appreciation the action taken by the Secretary-General pursuant to resolutions 1987/1 and 1987/2 A and B, which had been adopted at the Commission's forty-third session, with a view to giving the widest possible publicity to those texts.

28. Mr. OGUZ DEMIRALP (Observer for Turkey) said that, in view of its historical and cultural heritage and its geographical position, Turkey was following the events in the Middle East attentively and was particularly anxious to see the establishment of a just and lasting peace that would guarantee effective respect for human rights in the region. However, the situation in the Middle East remained a matter of great concern; Israel was persistently violating human rights in the territories it occupied, and the coercive measures that it had taken had recently given rise to tragic events, which had been condemned by the international community. Turkey had deplored the arbitrary measures taken by Israel and had called upon that country to put an end to its acts of violence. The deportation of Palestinian civilians constituted a further unjust act and the Turkish Government had supported the resolution adopted on 6 January 1988 by the Security Council which, in its opinion, reflected the reaction of world public opinion.

29. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/42/650) furnished additional proof of the manner in which the situation was deteriorating and exposed the numerous violations committed by Israel. It also presented extremely constructive conclusions by emphasizing the need for the international community to adopt measures to prevent a further deterioration in the situation and to offer sufficient guarantees to ensure the protection of the fundamental rights and freedoms of the civilian population in the occupied territories. Account should be taken of the fact that the reactions of the Palestinians were the ultimate result of the repeated pressures to which they had been subjected for many years.

30. Turkey was convinced that only a just and lasting peace in the Middle East could put an end to the sufferings of the peoples of the region and create conditions favourable for the restoration of respect for human rights. Since

the Palestinian problem was the crux of the Arab/Israeli conflict, an equitable solution of that problem was a prerequisite for a comprehensive, just and lasting solution under which all the States of the region would enjoy the right to live within secure and recognized borders. However, any equitable solution to the question of Palestine must be based on recognition of the inalienable rights of the Palestinian people, including its right to self-determination and its right to establish an independent State on its own territory. Accordingly, Israel must put an end to its policy of settlement and the repression that settlement entailed, and must withdraw from all the Arab territories occupied since 1967, including Jerusalem. The idea of organizing an international conference to seek a solution to that problem had gained ground in 1987, and Turkey supported all initiatives aimed at the establishment of an equitable and lasting peace. His country believed that the views of the PLO, as the sole legitimate representative of the Palestinian people, must be duly taken into consideration.

The meeting rose at 4.20 p.m.