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SUMMARY RECORD OF THE 1585th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 February 1981, at 10 a.m.

Chairman: Mr. CALERO RODRIGUES (Brazil)

CONTENTS

Question of the violation of human rights in the occupied Arab territories, including Palestine

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1418 and Add.1; E/CN.4/1422; E/CN.4/1423; A/35/13; A/35/35; A/35/227; A/35/425; A/35/438; A/35/473; A/35/533; A/35/563; A/35/586)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1432; E/CN.4/1451; A/RES/35/35 A and B)

1. Mr. PRIETO (Assistant Director, Division of Human Rights), introducing agenda item 4, said that the question of the violation of human rights in the occupied Arab territories had been a major concern of the Commission for the previous 13 years and had been accorded high priority on the agenda for its current session. He referred the Commission to the reports of the Secretary-General, contained in documents E/CN.4/1418 and E/CN.4/1422, and to the note by the Secretary-General (E/CN.4/1423) listing all United Nations reports issued since the Commission's thirty-third session dealing with the situation of civilians in the occupied Arab territories, including Palestine. The subject had also received the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which, in resolutions 14(XXXIII) and 20(XXXIII) respectively, had requested its Chairman to appoint up to three of its members to examine and report on the condition of Palestinians detained by the Israeli authorities and had requested the Secretary-General to submit a detailed report on human rights violations committed by those authorities in the occupied territories. He also reminded the Commission of General Assembly resolutions 35/122 A to F, and of the Security Council's action, in resolution 484 (1980), pursuant to General Assembly resolution 35/122 F. In addition, he drew attention to the evidence obtained by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/35/425, chapter IV).

2. Introducing agenda item 9, he drew attention to the Commission's request, in resolution 2 (XXXVI), that the Secretary-General should make available to it and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights.

3. Mr. KADDOUMI (Observer, Palestine Liberation Organization) said that although the Palestinians derived encouragement from the Commission's annual resolutions regarding the systematic violation of their human rights, it was clear that those and other United Nations resolutions went unheeded by Israel. In document A/35/425, the Special Committee to Investigate Israeli Practices described the deteriorating situation in the occupied territories and pleaded urgently for the safeguarding of the Palestinians' human rights.

4. Israel had been violating United Nations principles and instruments ever since its admission to the Organization over 30 years previously and it had provoked unprecedented condemnation. Israel's policy was supported, if not actively encouraged, by the United States which was conducting a hypocritical campaign for human rights when at the same time it was helping Israel to build up its military strength, refine its methods of torture and speed up Judaization. The United States had failed to condemn such Israeli acts as the bombardments of

South Lebanon, the attacks on elected mayors, expropriation and colonization, and the decision to make Jerusalem Israel's capital. Unfortunately, the new Administration in the United States would probably continue the policy of isolating the Egyptian régime from the rest of the Arab nation and of maintaining what amounted to a military alliance through the Washington Treaty. However, Palestinians would allow no one to interfere with their right to sovereignty and self-determination.

5. Israel, due to the colonialist nature of zionism, was stepping up its colonizing activities at a time when the world at large was witnessing decolonization. It had been made to feel more secure by United States involvement and by the capitulation of Egypt's leader and Egypt's defection from Arab ranks. As Jews migrated from their countries of origin to Palestine, the indigenous population suffered expulsion, accompanied by harassment, violence and destruction of homes. While the Commission deliberated violations of human rights, that preposterous process was continuing.

6. Following the first Zionist Congress in 1897, Western colonialists, in league with the Zionist movement, had decided on the colonization of Palestine - an aim which had become a basic policy of the Zionist State. With the creation of Israel, the process of dispossessing and dispersing the native population, for the purpose of establishing an all-Jewish State, had become institutionalized, and had escalated in 1967, when all Palestine had been occupied. The Camp David Accords and the Washington Treaty were part of an effort to bring about the final liquidation of the people of Palestine. However, PLO, the sole representative of the Palestinian revolution, was determined to restore the rights recognized by the Charter and protected by the fourth Geneva Convention, and would maintain its armed and political struggle in order to do so. The international community had recognized the Palestinians' rights and had a duty to co-operate with the Palestinian people, pursuant to the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was gratifying to note the support for the Palestinian cause which had been expressed by the non-aligned movement, the Islamic Conferences, the Organization of African Unity and the socialist countries.

7. The Palestinian people would continue to struggle for its rights. The enemy was not only zionism but the forces, particularly in the United States, which supported it. The international community, and the Commission in particular, could not ignore that struggle, which was part of the fight of peoples against colonialism, apartheid and all other forms of oppression.

8. Mr. EL-REEDY (Observer for Egypt), speaking first in exercise of the right of reply, said that, in view of Egypt's losses in battle for the sake of the Arab cause, including that of the Palestinian people, and of Egypt's diplomatic offensive aimed at securing peaceful co-existence and the Palestinian people's legitimate rights, he had been saddened to note the previous speaker's use of such terms as "defection" and "capitulation" with reference to Egypt. He was puzzled, too, by the remark that Egypt was a party to a military alliance; the Arab alliance for mutual defence was the only one to which Egypt belonged, and its sacrifices in the name of that alliance were a matter of record. Egypt had consistently defended Palestinian rights in the Commission and many other United Nations bodies and would always remain the true friend of the Palestinian people.

9. The reports and studies prepared by the Special Committee to Investigate Israeli Practices and by various United Nations and other international bodies revealed a number of salient aspects of Israel's record in the occupied Arab territories during the previous year. Firstly, acts of violence and repression against civilians, collectively and individually, had increased markedly; they included the use of force against unarmed students, imprisonment and detention without trial, and the destruction of property. Secondly, alarming acts of violence had been committed against elected leaders of the Palestinian community on the West Bank, including attempts on the lives of certain elected mayors. Thirdly, there had been a further deterioration of the judicial system and a further reduction of the civilian population's opportunities to seek legal remedy. Fourthly, Israel had intensified its policy of settlement in the occupied territories, a policy which was not only a threat to peace but violated individual human rights. Fifthly, Israel's measures aimed at annexing Arab Jerusalem were a serious blow to the basic tenets of international law and flouted the international community's unanimous opinion; the Israeli law passed in that connection remained illegal and invalid.
10. Israel was depriving the Palestinian people of their basic rights, foremost among which were their right to self-determination and their right to return to their homes. The attainment of those rights and the ending of foreign occupation - itself a violation of human rights - would contribute significantly to the cause of peace and security in the region.
11. Mr. EL-FATTAL (Syrian Arab Republic) said he failed to see how Egypt could be committed only to the alliance for Arab defence when, according to article 6 of the treaty between Egypt and Israel, any commitment contrary to the spirit and letter of that treaty was null and void.
12. Mr. EL-REEDY (Observer for Egypt) assured the representative of the Syrian Arab Republic that the peace treaty between Egypt and Israel in no way conflicted with Egypt's commitment to the Arab defence alliance. The Syrian Arab Republic, for its part, was a party to an agreement with Israel which prohibited Syria from using force against Israel, but Egypt had never taken that to mean that the Syrian Arab Republic would be unable to meet its commitments to the Arab alliance.
13. Mr. EL-FATTAL (Syrian Arab Republic) said that his question had not been answered. Had Egypt truly been bound by Arab solidarity, it never would have dared bargain the Sinai against the flesh of the Palestinian people. Furthermore, Syria had no treaty with Israel, only a truce which had been imposed upon it and which in no way affected Syria's exercise of its rights under Article 51 of the Charter.
14. Mr. BARROMI (Observer for Israel), referring to the report of the Special Committee to Investigate Israeli Practices (A/35/425) and the contention that military occupation constituted per se a violation of human rights, said that to negate the validity of military occupation meant negation of the essential elements of the law of war and of the development of humanitarian law, because international law recognized the fact of military occupation and established specific legal rules governing it. The status of the occupied territories was a sui generis case and the fourth Geneva Convention was not applicable to that area, although Israel applied the humanitarian provisions of that Convention on a de facto basis. There could be no doubt that Israel was competent to exercise at least the authority of a military

occupant, which, under article 43 of the Hague Regulations, meant it could take all the measures in its power to restore and ensure public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. Even more explicit on the subject of security was article 64 of the fourth Geneva Convention, which stated that the occupying power could subject the population to provisions which were essential to maintain the orderly government of the territory and to ensure the security of the occupying power. Other articles of that Convention permitted the death penalty, the destruction of private or public property, assigned residence or internment and compulsory labour for persons over the age of 18, when required by military operations, security or the needs of the occupation. Leading legal commentators even recognized the occupant's right to establish rigid control over the entire economy and foreign trade, prohibit strikes, forbid all political activity, impose censorship, and so forth. In sum, commentators and international conventions allowed the occupant to impose an emergency régime if necessary and to permit the population only the activities indispensable for its subsistence.

15. As to the actual situation in the territories, the figures showed that the over-all population had increased by 20 per cent in 13 years, that GNP had more than tripled since 1968, that trade with the Arab countries was brisk, that unemployment was lower than the Israeli average, that medical treatment had improved, that five universities and colleges granting academic degrees now existed where in 1967 there had been none, and that civic rights and personal safety were respected, as attested by the fact that there were 150,000 visitors a year from Arab countries, visitors who certainly would not come at the risk of life or liberty. Contrary to the implications of paragraph 299 of the report, Israel had never inflicted capital punishment, never suspended or cut trade links between the territories and the Arab hinterland, never employed compulsory labour, never shut down all newspapers. On the contrary, the Israeli military administration had been liberal and enlightened and dedicated to the welfare of ordinary citizens.

16. The report also questioned the right of the Israeli authorities to promulgate military orders and thereby substantially change the legal system. Not only did international jurists take a different view, but even article 64 of the fourth Geneva Convention stipulated that laws could be repealed or suspended by the occupying power in cases in which they constituted a threat to its security. It was also important to stress that, contrary to certain allegations, the decrees of the military government were duly publicized and posted in public places. They were directly communicated to the interested party or areas and were freely available.

17. The report dealt extensively with land ownership and tenure. From the legal viewpoint, the situation was clear: the right of the occupant to requisition private property and to utilize public property were spelled out in articles 52 and 55 of the Hague Regulations. The same applied to water resources. In the occupied territories, no land could be sold without proper authorization, and access to an appeal board and to the Supreme Court was open to any concerned party. In practice, it was not surprising that, in a state of belligerence, comparatively large tracts of land should be closed off for reasons of military necessity, especially in sensitive areas. Further, only some 2 per cent of the total land had been allocated to settlements, whose inhabitants accounted for only 1.5 per cent of the total population. Only in cases of absolute necessity had private, and even then mainly barren, land been

expropriated, and due compensation had been offered to the owners. As for water supply, domestic consumption in Arab villages had tripled under the occupation and 43 villages now had running water as opposed to 12 previously. A major consideration which had inspired the settlements policy was their military importance in securing the control of the region.

18. As to the situation of detainees, the Special Committee had ignored the testimony of bona fide witnesses and unbiased observers and had accepted instead the statements of hardened terrorists committed to a struggle against Israel. He referred in that connection to the report of a mission sent by the International Federation for the Rights of Man, which had recently inspected prisons in Israel and in the territories without finding any evidence to substantiate charges of systematic torture. The report found the prisons to be decent and noted that the detainees were provided with satisfactory medical care. The truth was that Israel abided strictly by the rule of law and by humanitarian principles in its treatment of detainees. The Israeli authorities responsible for the administration of justice constantly monitored the treatment of detainees to ensure that their civil rights were duly respected, and to prevent or punish infringements of laws and regulations by any member of the administration or the armed forces. Indeed, the Special Committee itself, in paragraphs 282 to 286 of its report, acknowledged a number of cases in which Israeli soldiers and policemen had been disciplined and sentenced for such infringements.

19. Turning to the expulsion of the mayors of Hebron and Halhul and of the Cadi of Hebron, he stated that those persons had been responsible for incitement to violence and sedition. The mayor of Hebron had himself confessed to a deliberate policy of provocation tantamount to civil rebellion. The measures taken against those individuals were certainly within the compass of article 43 of the Hague Regulations, which permitted all measures needed to restore public order. The purpose of article 49 of the fourth Geneva Convention, on the other hand, which prohibited individual or mass forcible transfers or deportations, was to prevent the deportation of innocent persons, and could not apply to individuals openly engaged in incitement.

20. The Special Committee's report was also remarkable for its omissions. The long list of incidents following paragraph 288 omitted, with one exception, to refer to Israeli victims. Arab victims who had been killed or wounded by terrorists were also studiously ignored.

21. The PLO campaign of intimidation against so-called collaborators, resulting in a series of gruesome murders, also received no mention. Indeed, the most striking lacuna in the report was the absence of any reference to the PLO, a foreign-based organization with branches in the territories and abroad which was engaged in provoking disturbance and subversion and in killing and maiming. What were the crimes and outrages that the Special Committee was ready to condone in the name of the "spirit of resistance" so approvingly invoked in paragraph 298?

22. The Special Committee also gave insufficient attention to the activities of the International Committee of the Red Cross, whose new agreement with Israel concerning visits to detainees had been praised by Amnesty International as one of the most favourable anywhere in the world but was dismissed with no more than an oblique and disparaging reference in paragraph 301 of the report.

23. The Special Committee was also unjust towards the Israeli Supreme Court. While noting an increasing trend by the inhabitants of the occupied territories to resort to the High Court of Justice of Israel, it hastened to add that in virtually all cases the Court had been unable to control the arbitrary behaviour of the military occupation authorities. If that was so, why did the inhabitants resort so frequently to the Court? The right afforded to local inhabitants to appear before the High Court on an equal footing with the military government did much to ensure orderly administration under the rule of law.

24. The Arab people as a whole could not complain of having been deprived of self-determination. The emergence to independence of 21 countries was a singular success story. It had been claimed that the creation of a twenty-second Arab State, situated in Judea-Samaria and Gaza, would be nothing but the logical culmination of the process. If so, why had such a State not been set up in the West Bank during the years of Jordanian rule, between 1948 and 1967? Israel had been no obstacle at that time. The territory had been under Arab control and no one from outside the area could have prevented its transformation into an independent State. Why had that not happened? Why had no United Nations resolution been adopted to that effect? The answer was clear. The Arab countries had not been interested in constituting another Arab State alongside Israel. They had wanted to achieve the obliteration of Israel. In 1967, they had closed their ranks to bring about, in one mighty stroke, the physical extinction of Israel. For a fleeting moment, they had exulted as if their goal had already been achieved and had stated in the Security Council in June 1967 that Israel was a cancerous growth that would soon be removed.

25. Since then the tactics had changed, but the strategic objectives remained the same. A keen observer would notice that United Nations resolutions in favour of a Palestinian State made no mention of Israel, of its territory and boundaries, of its rightful place in its ancient land. The intentions behind those resolutions were highlighted by the public pronouncements of Arab leaders. For example, the leaders of PLO had never made any secret of the fact that their aim was the destruction of Israel. He drew attention to a resolution adopted at the Fourth Congress of El-Fatah, held at Damascus in June 1980, which stated that Fatah was an independent national revolutionary movement, whose aim was to liberate Palestine completely and to liquidate the Zionist entity politically, economically, militarily, culturally and ideologically. According to the resolution, Fatah also aimed at establishing a Palestinian democratic State on all Palestinian soil where all citizens would have equal rights without discrimination on the basis of race or creed and whose capital would be Jerusalem. He left it to the members of the Commission to visualize how democratic and respectful of rights the purported State would be after the wholesale liquidation of the Zionist entity.

26. It had been suggested that such extremist utterances were made to appease the feelings of frustration of the rank and file and that the real Arab position was different. However, an authoritative Arab leader, the Secretary-General of the Arab League, had said in November 1979 that the Arab leaders, despite differences in their approaches, were united in their view that the confrontation with Zionism would not end with the establishment of an independent Palestinian State but would continue in order to defeat Zionism. Was that not an attempt to deny Jewish self-determination? How could advocacy of confrontation be reconciled with the

obligation under Article 1 of the Charter to develop friendly relations among nations? In fact, the Arab countries had consistently ignored many other principles of the Charter. Groups of non-Arab origin or creed, located in Arab areas, had been endangered, as had happened in the case of Lebanon.

27. The Arab States had used the immense power and riches that had recently accrued to them for campaigns of expansion and war at the fringes of the Arab world. The conflict between Iraq and Iran was fraught with serious danger for the entire world, and both parties were remarkable for their shocking disregard of international law. The "merger" between Libya and Chad was a most grave development which had been denounced by OAU.

28. One of the purposes of the attempt to blow up the Palestinian question out of all proportion was to counteract the impact of the Israeli-Egyptian peace treaty, the only positive development in the Middle East. The fact that a peace treaty could be condemned at the United Nations remained one of the oddities of the Organization, whose members were bound by the Charter to strengthen universal peace.

29. One cause of serious concern had been the campaign of defamation in the United Nations against the Jewish State and the Jewish people. Its climax had been the equation of zionism to racism, which had come to be systematically introduced in United Nations debates and disseminated by publications of the Organization. The United Nations itself was harnessed to spread Arab hate propaganda, and to fuel throughout the world anti-Semitism, the evil that had caused so much anguish to mankind.

30. Another cause of concern was the glorification in the United Nations of Palestinian and international terrorism. Throughout the years, the Arab States had financed anti-Israeli terrorist organizations which had methodically committed horrible crimes and had violated every principle of humanity and of international law by engaging in such acts as hostage-taking, hijacking of aircraft, and attacks against diplomatic representatives and missions. Moreover, those groups had set up a world-wide network of crime by establishing links with terrorists of every nationality and political hue. The role that Palestinian terrorism played in the activities of similar organizations had been illustrated by recent statements by the Red Brigades in Italy. Beirut had become the capital and training ground for international terrorism. Terrorist leaders and experts subsequently received more advanced instruction in special camps situated in the USSR. It was a matter of deep regret that the United Nations had never taken action against that international scandal and that it continued to preach the virtues of armed struggle.

31. Israel would never agree to the establishment of terrorist headquarters in positions vital to its security. Some plans for the solution of the Palestinian question might seem attractive but they were wholly divorced from the grim realities of the region. No subtle formulas would convince Israel to relinquish what was essential to its very survival. It was on the basis of those considerations that a practical settlement of the question must be found. That was the spirit which had prompted the Camp David accords, which had taken into account the requirements of Israel and the Arab States as well as the legitimate rights of the local Arab population. They had introduced the factor of time as an element likely to favour the development of new conciliatory attitudes and to facilitate the attainment of a comprehensive peace.

32. The United Nations has reached a moral crossroads. That fact had been stressed by a group of leading intellectuals from several countries of the world who, in a "call to conscience" issued on 7 December 1980, had said, inter alia, that the United Nations was no longer the guardian of social justice, human rights and equality among nations and that it was in danger of becoming a force against peace itself through its condemnation of the historic Egyptian-Israeli peace treaty and its exaltation of PLO terrorists. They had said further that the United Nations resolutions which branded zionism with the false label of racism must bear some responsibility for the scourge of anti-Semitism reappearing in many parts of the world. It was his delegation's hope that that solemn protest would not go unheeded.

33. Referring to remarks made by a number of speakers who had tried to deny the title of the Jewish people to its country, he said that many others, including the Roman Emperor Hadrian, had tried to do so in the past and had failed. Israel had risen from the ashes and found again its freedom and unique destiny, to which it would remain committed in the years to come.

34. Mr. AL-FALLOUJI (Observer, League of Arab States) said that he was shocked by the remarks of the previous speaker, who had sought to justify the activities of the authorities he represented by referring to the rules of international law. It was well-known that the usurper denied the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and tried to sabotage all efforts made by the international community to achieve a humanitarian solution to the question. It was shocking to hear claims that acts of repression, torture and violations of human rights were covered by so-called rules of war. His delegation protested vigorously against those rules, which were nothing more than the law of the jungle.

35. Mr. TRUONG QUAN PHAN (Observer for Viet Nam), referring to a procedural matter, said that his delegation fully endorsed the statement made at the previous meeting by the USSR delegation concerning the unrepresentative nature of the régime of so-called Democratic Kampuchea. That régime had never participated in meetings of the Commission. It was only after it had been overthrown and driven out by the Kampuchean people that the spokesmen of the régime had come to the Commission on Human Rights claiming to represent Kampuchea. It was clear that that group could not implement resolutions or decisions of the current session in respect of Kampuchea because there was no longer any place in Kampuchea for those who had been responsible for large-scale acts of genocide against the Kampuchean people.

36. On 7 January 1979, the people of Kampuchea had become the master of its own destiny and had immediately set about the task of eliminating famine and restoring life to normal. The People's Republic of Kampuchea had been recognized by more than 30 countries and maintained official relations with several international organizations. Many foreign delegations had visited the country and had been able to note that conditions there were steadily improving. To permit the representatives of so-called Democratic Kampuchea to attend the current session constituted a flagrant act of interference in the internal affairs of Kampuchea and an attempt to restore the criminal Pol Pot régime.

37. He drew attention to a statement recently issued by the spokesman for the People's Republic of Kampuchea, who had said that the only authentic and legitimate representative of the Kampuchean people was the Revolutionary People's Council of Kampuchea, which categorically rejected any slanderous assertion that the representative of the Pol Pot clique might make at the current session of the Commission, and that any decision taken in respect of Kampuchea at the current session in the absence of representatives of the Revolutionary People's Council would be regarded as null and void. The delegation of Viet Nam whole-heartedly supported that statement.

38. The CHAIRMAN drew attention to the fact that the matter raised by the observer for Viet Nam did not come within the competence of the Commission, since that was a question to be decided by the General Assembly. The Commission merely abided by the decisions of the General Assembly.

39. Mrs. TU YUNG (Observer for China) said that the purpose of the statement by the observer for Viet Nam had been to justify its aggression in Kampuchea. It was a fact that there were hundreds of thousands of Vietnamese troops currently occupying that country, a situation which constituted a gross violation of the human rights of the Kampuchean people. Democratic Kampuchea was a Member of the United Nations and the sole representative of the Kampuchean people. The Heng Samrin régime was a puppet government supported by Viet Nam and had no right, therefore, to represent Kampuchea.

40. Mr. TRUONG QUAN PHAI (Observer for Viet Nam), speaking in exercise of the right of reply, said that his delegation categorically rejected the slanderous allegations made by the representative of China. It was clear that the Chinese had made use of the Pol Pot clique to carry out genocide in Kampuchea.

41. The CHAIRMAN pointed out that the question of Kampuchea would be taken up at a later stage. He appealed to delegations not to engage in an exchange which would not help to achieve the objectives of the Commission's deliberations.

The meeting rose at 12.25 p.m.