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SUMMARY RECORD OF THE 1587th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 5 February 1981, at 10 a.m.

Chairman: Mr. CALEIRO RODRIGUES (Brazil)

CONTENTS

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

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

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1413 and Add.1; E/CN.4/1422; E/CN.4/1423; E/CN.4/1456; 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) (continued) (E/CN.4/1432; E/CN.4/1451; A/RES/35/35 A and B)

1. Mr. AL-QAYSI (Iraq) said that the United Nations had been concerned with the investigation of Zionist practices affecting the human rights of the population of the occupied territories for more than 12 years, since the adoption of General Assembly resolution 2443 (XXIII) establishing a Special Committee on the question.
2. The Special Committee's latest report (A/35/425) contained a good deal of information on the violations of human rights committed by the Zionist Government and on its policy of annexation and settlement of the occupied territories. In spite of the economic difficulties referred to by that Government, over 127 settlements had now been established in the occupied territories, in violation of articles 47 and 49 of the fourth Geneva Convention.
3. The Chairman of the Special Committee had explained in his letter of transmittal to the Secretary-General that, in spite of the Committee's efforts to secure the co-operation of the Zionist Government, it had not changed its position and continued to refuse such co-operation. Furthermore, it continued to disregard United Nations resolutions- for instance, the resolutions by which the General Assembly, at its thirty-fourth session, had demanded that the Zionist entity should desist forthwith from certain policies and practices, had called upon it to comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and had reaffirmed that all measures designed to change the legal status, geographical nature and demographic composition of the occupied territories had no legal validity.
4. News reports from occupied Palestine revealed that the Zionist authorities practised physical and psychological torture against Arab prisoners, most of whom were ordinary citizens who had simply expressed opposition to the Zionist occupation or had refused to co-operate with the occupation authorities. In recent weeks, there had been a wave of demonstrations in the occupied West Bank against restrictive measures taken by the Zionists in the educational field. Two Palestinian universities had been closed, hundreds of students had been arrested and the Zionists had opened fire on persons protesting against the oppressive regulations. Another recent act of repression was the deportation of the Mayors of Hebron and Halhul and the Cadi of Hebron.

5. With regard to the conditions of Arab workers under Zionist occupation, he referred to a resolution adopted by the International Labour Conference in June 1980 which called for an immediate end to the policy of establishing settlements in Palestine and for the removal of existing settlements. The Zionist entity had constantly pursued a policy of racial discrimination against Arab workers and violated their trade-union rights and freedoms, in spite of the resolutions adopted by the International Labour Conference in 1974 and the reports of the International Labour Organisation on the subject.

6. The Zionist entity persisted in its colonial and expansionist policy through the confiscation of Arab lands, the establishment of new settlements and the demolition of Arab homes in violation of international norms.

7. From the outset, the leaders of the Zionist movement had left no room for doubt about their long-term plans. The ultimate objective of Zionism was to transform Palestine into a thoroughly Jewish State; that would involve the displacement of the Arab people from that country, thus inflicting on the Palestinians the same tragedy as that suffered by the Jews under nazism.

8. His delegation considered that the United States bore the greatest share of responsibility for the inhuman practices and policies pursued in the occupied territories, since it continued to be the major supporter of the Zionist entity. He stressed that the Camp David accords between Egypt and the Zionist entity, drawn up under the supervision of the United States, were aimed at depriving the Palestinian people of its right to self-determination and at justifying the Zionist occupation. Those accords, which isolated Egypt from the Arab nation by binding it to an entity based on aggression against other peoples, had been strongly condemned by all Arab and Islamic Conferences, by the non-aligned movement and by the General Assembly.

9. His Government continued to support the struggle of the Palestinians under the Palestine Liberation Organization (PLO), the sole and legitimate representative of that people, for the establishment of an independent State on the soil of Palestine. His Government had condemned Security Council resolution 242 (1967) from the outset, since it considered that that text denied the rights of the Palestinian people and could not serve as a basis for a solution to the question.

10. Lastly, he referred to an international symposium on the conditions of Arabs under Zionist occupation, held in January 1981 at Brussels under the auspices of the Palestinian-Belgian Friendship Society. The purpose of the symposium had been to review the political, economic and social implications of the policy pursued by the Zionist entity in the occupied territories and to consider the inhuman treatment of the Arab citizens there. The symposium had stressed that it was impossible to separate the Palestinian question from the European-Arab dialogue and that peace in the region could not be achieved unless the inalienable rights of the Palestinian Arab people were recognized, including its right to establish an independent State. In addition, the symposium had appealed to the European countries to exert pressure on the Zionist entity to put an end to the policies of oppression and tyranny practised against the Arab people in the occupied territories.

11. Mr. M'BAYE (Senegal) said it was to be feared that the resolutions to be adopted under item 4 would be ignored by Israel, as in the case of previous resolutions. Nevertheless, his delegation would continue solemnly to reaffirm the right of the Palestinians to self-determination and to uphold the right of the Palestinian people to return to its native land, and would not be discouraged by the defiance of Israel or by the procrastination of those who supported that country either openly or covertly. The Commission had a duty to do everything in its power to defend human rights by firmly condemning Israel for human rights violations in the occupied territories and by trying to increase the number of those who wished to see all the peoples in the region live in harmony. In so doing, the Commission would contribute to the realization of United Nations ideals, which were built on the love of peace and respect for others, principles which could not coexist with the Israeli national homeland policy. That policy affirmed the right of Jews to return while denying to the inhabitants of the occupied territories and to the Palestinians the right to regain their lands, and it was responsible for the annexation of territories, the establishment of settlements, and expropriations.

12. The latest report of the Special Committee (A/35/425) again dealt at length with flagrant and serious violations of human rights that had been proved beyond doubt. The efforts made by the observer for Israel to rebut the Committee's findings could not dispel the indignation and concern which the delegation of Senegal had felt on reading the report, which showed clearly that the policy followed by Israel with regard to the inhabitants of the occupied territories was being intensified.

13. Israel refused to co-operate with the Special Committee which it accused of partiality, although as a former Chairman of the Committee, he was well aware of the scrupulous care taken by that body in collecting information and reaching its conclusions. It was not possible to refute the findings of documents collected by eminent jurists whose only concern was to defend human rights and to ensure respect for international law. Nor could the evidence derived from statements by members of the Israeli Government or from official documents be ignored.

14. Moreover, the Special Committee was not the only body to accuse Israel of violations. For instance, the International Committee of the Red Cross (ICRC) in its report on its activities in 1979, stated that its delegate had not been allowed to be present during a judicial procedure known as "mishpat zuta", under which the court decided on the admissibility of an accused person's confession if the latter claimed that he had made it under duress. That procedure was itself a violation of the principle of equitable justice, which required the prosecution to prove the truth of the charges against the accused if he claimed that his confession had been obtained under pressure. In the same report, ICRC described several cases involving the demolition of houses, particularly in east Jerusalem, the West Bank and the Gaza Strip. ICRC had protested to the Israeli authorities against those measures on the grounds that they were contrary to article 53 of the fourth Geneva Convention, an instrument which his delegation considered to be applicable to the occupied

territories, contrary to Israel's contention. ICRC had also protested, on the basis of article 49 of the fourth Geneva Convention, against the measures of expulsion and had expressed the view that Israeli settlements in the occupied territories were incompatible with articles 27 and 49 of the Convention.

15. In its report for 1980, Amnesty International, a non-governmental organization renowned for its objectivity, had drawn attention to many violations of human rights, including the arrest of prisoners of conscience, restriction of freedom of movement and ill-treatment. The observer for Israel had admitted that there had been certain cases of ill-treatment by the police; in view of their constant nature, however, they had to be regarded as resulting from a deliberate policy. A Justice of the Supreme Court of Israel had stated that those practices were increasing, and an interministerial commission had recognized that the use of violence had become commonplace.

16. Israel could not deny that its military occupation was responsible for the current situation in the occupied Arab territories, including Palestine. The Israeli authorities must realize that the course of history was against injustice and that injustice generated hate which was the enemy of peace. There could be no peace so long as the Palestinians did not regain their rights.

17. Mr. SKALLI (Morocco) said that the international community remained deeply concerned about the violations of human rights being committed in Palestine and other occupied Arab territories, as was demonstrated by the debates in the General Assembly at its seventh emergency special session, the Security Council and a number of specialized agencies. The Commission too, pursuant to its mission of safeguarding human rights, must take urgent action in face of the aggressive acts constantly being committed by Israel, whose Government, in defiance of all relevant United Nations resolutions and of unanimous world opinion, continued to deny the Palestinian people its right to self-determination. The Camp David accords would fail to achieve that right; they would serve merely to provide a form of administrative autonomy which fell short of the territorial sovereignty to which the Palestinians were entitled.

18. During the past year, the Israeli Government had intensified its policy of settlement, repression of the civilian population and destruction of the Palestinian people's personality in the occupied territories. The arbitrary expulsion of the Mayors of Hebron and Halhul and of the Cadi of Hebron, and the refusal to heed the Security Council's request that they should be permitted to return, were flagrant examples. So, too, were the attempts on the lives of the Mayors of Nablus, Ramallah and El Bireh, which had been condemned by the international community. Regarding the treatment of prisoners, the World Health Assembly, in a resolution adopted in 1980, had condemned the conditions in which Arab detainees were being held in Israeli gaols.

19. The Knesset's decision to proclaim Jerusalem, a city sacred to the three major monotheistic religions, as the country's capital city, in defiance of an earlier Security Council resolution condemning Israel's legislative and administrative measures to reinforce the annexation of the Holy City, was a further illustration of Israel's arrogance. The Jerusalem Committee,

in special session, had resolved to invite all States to unite in putting a stop to that annexation. It had also drawn up a programme of action which had been adopted at the most recent Islamic Summit Conference, and it had approved a recommendation to the effect that Security Council resolution 242 (1967) should not serve as a basis for a solution to the Middle East crisis and the Palestinian question. The Chairman of that Committee, King Hassan II of Morocco, had visited France as part of the diplomatic campaign on behalf of Jerusalem and the recognition of PLO: he had also visited the Pope, who had declared the Holy City to be the sacred heritage of the three major monotheistic religions and the entire world, and of the city's inhabitants, and had called for a new approach which would lead to a solution that respected the rights of all. In September 1980, the Conference of Foreign Ministers of Islamic States had invited all countries to refrain from any dealings with the Israeli authorities which could be interpreted by the latter as a recognition of the fait accompli in Jerusalem and other occupied Arab territories in Palestine.

20. In February 1980 the representative of Morocco, as Chairman of the Islamic Group at the United Nations, had requested a meeting of the Security Council to consider Israel's settlement policy; the result had been the first unanimous adoption by the Security Council of a resolution condemning that policy.

21. Morocco would continue to join with all countries which sought a peace based on the principles recognized by the international community: the evacuation of all occupied Arab territories, including Jerusalem; the restoration of the Palestinian people's inalienable and legitimate rights; and the participation of PLO as that people's sole representative, on an equal footing with other parties, in any negotiations for peace in the Middle East.

22. Mr. POUYOUROS (Cyprus), speaking on agenda item 4, said that the statement made by the observer for PLO at the 1585th meeting had made clear the gravity of the situation in Palestine, whose people had been denied their basic human rights for over a quarter of a century - rights which were enshrined in the Charter and other international instruments and could under no pretext be disregarded. The resolutions and decisions adopted by the Commission and other United Nations bodies on the subject continued to be flouted by the forces of foreign occupation. It was high time for the Commission to take action commensurate with a situation in which a people had been denied its human rights for over a generation. The Commission should consider how it could help to put a speedy end to that human tragedy and restore to the Palestinian people all its rights and freedoms.

23. Speaking on agenda item 9, he said that, although colonialism had been eradicated from most of the world, there remained many peoples to whom freedom was explicitly or implicitly denied. Therefore, the Commission had been justified in deciding, in resolution 5 (XXXVI), to give priority consideration, at its current session, to the right of peoples to self-determination. World public opinion had repeatedly reaffirmed and had vigorously condemned any violation of that right, which was a pre-requisite for the realization of all other economic, social and cultural rights as well as the cornerstone of national political independence. So long as foreign occupation, colonialism and neo-colonialism, apartheid, and racial discrimination prevailed in parts of Africa, the Middle East and other regions, the Commission had a duty to condemn those phenomena and take more effective action to implement its relevant resolutions.

24. Mr. SOLA VILA (Cuba) said that the systematic violation of human rights in the occupied Arab territories by the Zionist State of Israel had been under consideration for over 13 years and was the subject of numerous decisions and resolutions by bodies of the United Nations, other international organizations and the non-aligned countries, which had expressly condemned Israel's persistent actions. That country, however, continued to ignore all such resolutions. Despite General Assembly resolutions 35/122 A to F, which inter alia had called on Israel to respect the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Israel had continued to violate those provisions while pursuing its policy of bringing in settlers and expelling Arabs and Palestinians, persecuting civil and religious authorities and stifling the people's cultural and scientific development. The Zionists were able to persist in their policies because of the strong support they received from the United States and other Western Powers.

25. The Sixth Summit Conference of Non-Aligned Countries had reaffirmed that the Zionist occupation and the suppression of the Palestinian people's rights were at the core of the Middle East conflict, which could not be solved unless the Palestinians could exercise their inalienable rights, including those of return to their homes, self-determination and establishment of an independent State in Palestine. The Conference had denounced Israel's racist, expansionist and discriminatory policy, which flouted world public opinion and violated the principles and resolutions of the United Nations. It had stressed the need for solidarity in providing military and other forms of assistance to the Palestinian people in their struggle for freedom, directed by PLO, which should receive international recognition as that people's sole legitimate representative.

26. Palestinians were entitled to use every means at their disposal in their struggle to achieve an independent, sovereign State. Peace could be achieved only when the Palestinian people had been accorded justice in full.

27. Mr. GARVALOV (Bulgaria) said that the statements by the observer for PLO and other speakers, and the documents before the Commission, particularly the report of the Special Committee (A/35/425), revealed the true nature of the situation in the occupied Arab territories. For over 13 years the situation in the Middle East had had priority on the agendas of the General Assembly and Security Council; their condemnation of Israeli policies towards the Palestinian people formed a long catalogue. However, Israel had failed to comply with a single resolution; it continued to defy world public opinion and ignore facts, implying that Israel was right and the rest of the world wrong. Israel's continued policy of occupation and exploitation and its efforts to alter the physical, demographic, social, cultural and institutional structure of the occupied territories rendered the statement by the observer for Israel utterly unconvincing.

28. In the Secretary-General's report on living conditions of the Palestinian people in the occupied territories (A/35/533), it was stated that, since 1967, some 133 new Jewish settlements had been constructed in the occupied territories, and attention was drawn to the pressure applied in order to drive out the original inhabitants, thus drastically changing the demographic structure of the territories. In paragraph 292 of the report of the Special Committee (A/35/425), it was stated that more than 27 per cent of the land in the occupied territories had been taken over by the Government of Israel.

29. Recent events had revealed Israel's growing intransigence; independent sources had attested to the constant arrests, acts of terror, expulsions and seizures of property carried out in violation of the provisions of the fourth Geneva Convention of 1949. The expulsion and imprisonment of the Mayors of Hebron and Halhul and of the Cadi of Hebron violated articles 1 and 49 of that Convention.

30. One factor underlying Israel's intransigence was the support it received from the United States and other sources of world imperialism, which together posed a threat to peace in the Middle East and to international security. Such measures as the Camp David agreements and the Washington Treaty harmed rather than helped the Palestinian people's cause and had been condemned by the United Nations and by PLO; they reflected the failure by Israel and some Western States to recognize the Palestinians' legitimate right to self-determination and independence.

31. Bulgaria had consistently recognized the justice of the Palestinian people's struggle, under PLO, to regain possession of its homeland and achieve sovereignty and independence. On 29 November 1980, the President of the Bulgarian Council of State, in a telegram addressed to the Chairman of the Executive Committee of PLO on the occasion of the International Day of Solidarity with the Palestinian People, had reiterated that Bulgaria supported the Palestinian people's valiant struggle in defence of its inalienable national rights and opposed the plans of imperialism, zionism and reaction to destroy the Palestinian revolution. Bulgaria maintained its view that a just and lasting solution to the Palestinian problem must be sought as part of a comprehensive settlement of the Middle East conflict with the participation of all parties concerned, including PLO, the Palestinian people's sole legitimate representative.

32. Mrs. VIRE-TUOMINEN (Women's International Democratic Federation) said that WIDF commended the Commission for its constant attention to the violation of human rights in the occupied Arab territories, endorsed the United Nations' call for Israel's withdrawal from those territories and upheld the right of PLO to represent the Palestinian people in all efforts to settle the problem of the area. It further held that there was an indissoluble link between women's problems and the promotion of national liberation - which meant combating zionism and foreign occupation - and world peace. Accordingly, it devoted special attention to Palestinian women and their just struggle, in the context of the threat to world peace arising from the deterioration of the situation in the Middle East caused by Israel's continuing aggression and expansionism in defiance of United Nations resolutions and international law. WIDF was particularly disturbed by the efforts of Israel, with the backing of world imperialism, to perpetuate the occupation of Arab territories, and thereby negate the inalienable rights of the Palestinian people, through the Camp David agreements.

33. Israel's aggressiveness was particularly evident in Lebanon, where it had attacked Lebanese communities and Palestinian refugee camps and inflicted many casualties. Efforts to stop Israeli aggression against Lebanon were being obstructed by the partners to the Camp David agreements.

34. Israeli settlements in the occupied territories were rapidly increasing, turning Arab communities into ghettos surrounded by hostile settlers. They constituted further evidence of Israel's defiance of international opinion and international law.

35. Another matter of great concern was the numerous instances of collective punishment being meted out to the civilian Arab population in the territories. In the past year students at Nablus had been sentenced to terms of imprisonment for participation in a peaceful demonstration, and their families had subsequently been evicted from their homes. Schools were being closed to keep the population ignorant, and Arab culture was in danger. Terrorist tactics were being intensified in the territories in an attempt to impose the autonomy plan provided for in the Camp David agreements against the will of the Palestinian Arab population. Resistance was met with hundreds of instances of collective punishment sparing neither children, pregnant women nor the elderly. Palestinian patriots were subjected to specially cruel persecution. For example, two of the 500 Palestinian political prisoners who had taken part in a hunger strike in Israeli goals in the past year had died as a result of brutal forced feeding. Several hundred of the Palestinian political prisoners in Israeli goals were women and some 600 were minors; many were suffering from untreated chronic ailments contracted in prison.

36. WIDF therefore again urged the Commission to do its utmost to save the lives of those Palestinian patriots and wished particularly to remind it that the Programme of Action for the Second Half of the United Nations Decade for Women called for assistance to Palestinian women. For its part, WIDF would continue to take action of various kinds to assist the women and people of Palestine in their struggle to achieve self-determination and an independent State under the leadership of PLO, their sole legitimate representative.

37. Mr. BARROMI (Observer for Israel) said that he wished to clarify certain points which had been raised by the representative of Senegal, who had referred to Amnesty International's report for 1980. The Israeli Government took exception to a number of assertions contained in the part of that report which dealt with Israel, but at the same time was conducting an ongoing dialogue with Amnesty International. An Amnesty International mission to Israel in 1979 had stressed certain points that had unfortunately been omitted from paragraph 233 of the Special Committee's report, namely, the difficulty of proving conclusively or rebutting individual allegations of torture and the fact that Amnesty International had not pronounced on the veracity of specific allegations. The report also stressed that Amnesty International recognized the obligation of a government to protect its citizens from the dangers of violence. Other visitors and observers had taken a positive view of the situation in the territories.

38. The representative of Senegal had also neglected to point out, in connection with a Supreme Court case to which he had referred, that the accused had been acquitted because he had confessed under duress. That acquittal was mentioned in the 1980 report by Amnesty International and showed the impartiality and high quality of Israeli justice. The Amnesty International report also credited Israel with positive achievements in the territories which had no parallel in certain Arab countries also dealt with in the report.

39. The representative of Senegal had also referred to the 1979 report of the ICRC but had neglected to note that ICRC delegates had attended certain trials in Israel under conditions and with facilities seldom accorded by other countries.

40. Mr. M'BAYE (Senegal) said that the observer for Israel, rather than refuting his arguments, had criticized him for ignoring the positive aspects of the Amnesty International report and for not mentioning human rights violations in other countries. He wished to remind that observer that the Commission was discussing an agenda item which referred to occupied Arab territories, and hence to Israel rather than any other country.

The meeting rose at 12.10 p.m.