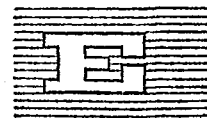


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 2 February 1983, at 3 p.m.

Chairman:

Mr. OTUNNU

(Uganda)

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including Palestine (continued)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1983/6; E/CN.4/1983/7; E/CN.4/1983/8)

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.4/1983/2 and Add.1; E/CN.4/1983/12; E/CN.4/1983/13; ST/HR/SER.A/14)

1. Mr. AL SHAKAR (Observer for Bahrain) said that the priority given by the Commission to the question of the violation of human rights in the occupied Arab territories showed the international community's awareness of the danger represented by the situation in those territories. Their populations continued to experience the nightmare of Israeli occupation, which prevented the Palestinian people from exercising its right to self-determination in the same way as other peoples. The region had suffered and was continuing to suffer under the grave events consequent upon Israel's acts of aggression and the repression practised by that country's authorities. Numerous violations of human rights had been committed. Since the previous year, Israel, which had already flouted so many resolutions of the Commission on Human Rights, the General Assembly and the Security Council, had perpetrated new acts of aggression and destruction against the Palestinian, Lebanese and Syrian peoples that assumed the nature of a holocaust comparable to that wrought by the Nazis. The worst episode had been the occupation of Beirut, with all the destruction it had caused, and above all the massacres committed in September 1982 under the eyes of the Israeli forces.

2. The massacres of Sabra and Chatila had claimed innumerable victims - men, women and children; they were crimes against humanity, acts of genocide. But those massacres were not the first; the history of Israel was a long succession of Zionist crimes, among which it would suffice to mention the massacres of Deir Yassin, Kaloma and Qibya. The Beirut massacres had the particularity of having been committed with new weapons, such as phosphorus and fragmentation bombs, which were prohibited by international agreements. The international community could not refrain from reacting to Israel's behaviour. Since 1967, that country had practised a policy of annexation of Palestinian territories, whose inhabitants it had scattered and whose economy it had annexed while exploiting Arab manpower, in contempt of the United Nations resolutions enjoining it to abandon that policy. The policy of annexation and of the establishment of Israeli settlements, which was also practised in contempt of the 1949 Geneva Convention, formed part of a global Zionist plan, whose application meant that the population of occupied Palestine was living in one large prison at the mercy of the occupying forces.

3. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/37/485) contained much evidence of human rights violations in those territories, including violations of the freedom of expression and of the freedom of education, removal of community leaders, confiscation of land and destruction of houses to make room for Zionists from all over the world, measures taken against mosques and churches, and so on. Israel persistently violated the provisions of the Universal Declaration of Human Rights and of the international conventions.

The report issued under the symbol A/37/485 indicated that all those human rights violations were the result of Israel's military occupation and of its policy of annexation of the occupied territories, which had the effect of depriving the Arab populations of their rights and, above all, of the right to self-determination. The Arab peoples, for their part, had repudiated the Israeli occupation. The international community, in turn, was duty bound to act, particularly by prevailing upon the countries that gave material and military assistance to Israel to stop doing so. He expressed the wish that the Palestinian people might before long exercise its right to freedom and self-determination, under the leadership of the Palestine Liberation Organization.

4. Mr. MAHALLATI (Observer for Iran) said that the steady deterioration of the situation in the Arab territories since 1948 had reached a climax in 1982. In the case of the territories occupied since 1967, expulsion of Arab populations had been systematically practised by the occupying forces: 90 per cent of the population of the Golan Heights had been driven away in 1967, and nearly half a million residents of the West Bank and Gaza had been forced to leave their homes in August 1968. The process of deportation had been accompanied by Israeli colonization; more than 60,000 Jews were now settled in the occupied territories. Many statistics concerning the inhuman Zionist activities had been quoted in various international bodies, but the gravity of Israel's racist policy, a process of de-culturalization and ethnocide, had not been fully understood. It should be recalled that recent events in Lebanon had been preceded by a tragic succession of atrocities suffered by the Palestinians, such as Deir Yassin, Kaloma, Qibya, Kafr Qasim, Qalqilya, Nabi Elias, Azzum, Khan Yunis, Sammu, and so on. In October 1953, Mr. Ariel Sharon, the Israeli Minister of Defence, had led a similar operation against the village of Qibry, leaving 75 dead and as many wounded. The atrocities committed at Sabra and Chatila had thus been preceded by a long process of intimidation which had started after the Balfour Declaration, with the massacre of Deir Yassin - for which Mr. Begin, as a member of the Irgun, had been responsible - as one of its most tragic examples.

5. How was it possible that crimes had been committed on such a scale and that more than 900 United Nations resolutions denouncing the Israeli crimes had proved ineffective? Statements made by Mr. Kissinger, former Secretary of State of the United States of America, reproduced in The Economist of 13 November 1982, helped to answer such questions. Mr. Kissinger had said that the circumstances for progress in the Middle East were the best he could remember and that, without the military events in the Lebanon, the Arab reaction to the Reagan plan could not have been achieved. Such language clearly showed that the Israeli policy had been formulated to serve not only the interests of zionism but also the strategic interests of its supporters, especially those of United States imperialism. Israel's designs went far beyond the extermination of the Palestinian people; Israel had assumed the function of gendarme to the Middle East, and its scheme was eventually to be applied as far as the limits of the Persian Gulf.

6. The Beirut massacres had been premeditated and carried out by Israel. They constituted a breach of the Genocide Convention and a crime covered by the Nuremberg judgement. The Commission on Human Rights was duty bound to ask for the application of those instruments. Since the United Nations General Assembly had no competence to establish a State and had exceeded its powers in adopting resolution 181 (II), that resolution should be annulled and Israel should be expelled under Article 6 of the Charter of the United Nations for consistent violation of the Charter.

7. In conclusion, he emphasized that the media, especially in the West, had presented a perverted version of the realities created by the Zionist army in Lebanon. The media had focused world attention on the massacres of Sabra and Chatila, but only after a long silence on the many previous examples of such operations which he had just listed; indeed, that silence had been broken only in order to blame factions - which, of course, deserved condemnation - other than the Zionist invasion forces and by so doing to camouflage the crimes committed by those forces. Thus, the media had allowed themselves to be corrupted by the political interests of certain countries and had invoked human rights in order to promote political manoeuvres. Despite that campaign, however, Sabra and Chatila would remain forever as a symbol of the collaboration between zionism, imperialism and their protégés in the region.

8. Mr. MacDERMOT (International Commission of Jurists) asked the observer for Israel what was the legal basis for the presence of Israeli forces in Lebanon. Under international law there appeared to be only two possible justifications, namely, a request to Israel from the Lebanese Government for assistance in repelling an armed invasion, or else the argument of self-defence.

9. The Israelis had put forward both those arguments. They had stated that they had come to free the Lebanese people from the PLO forces; yet the PLO had entered Lebanon at the invitation of the Lebanese Government and with the agreement of the Arab States. The Lebanese Government had never asked it to withdraw and had never requested assistance from the Israeli forces. Self-defence after the attempt on the life of the Ambassador of Israel in London had also been advanced as a motive by the Israeli authorities. That attempt had been immediately denounced by the PLO, but in any event, how could it justify an invasion? The Israeli authorities had then dropped that argument, declaring that their objective was to clear the PLO from a 40-kilometre zone north of the Israeli border in order to prevent it from shelling Israeli villages. Failing evidence to the contrary, in the 12 months before the Israeli invasion the shelling - which the PLO claimed had been carried out in reprisal - had killed only one Israeli citizen. Did it justify the occupation of a 40-kilometre zone, bearing in mind the doctrine of proportionality? As soon as the Israeli authorities had realized that the Western world was not going to try to deter them from continuing beyond the 40-kilometre limit, they had put forward a new objective, namely, driving the PLO out of Lebanon. As for the argument of anticipatory defence, it was not to be found anywhere in the Charter of the United Nations, Article 51 of which mentioned only "the inherent right of ... self-defence if an armed attack occurs against a Member of the United Nations". Furthermore, even those who supported the doctrine accepted that any action taken would have to be proportionate to the threat. In view of the strength of the Israeli forces compared with those of the PLO, how could it be claimed that the military operations aimed at driving the PLO from Lebanon were proportionate to the threat to Israel of those forces, a primary purpose of whose presence in Lebanon was to protect the Palestinian refugees? After Sabra and Chatila, there could be no doubt that such protection was necessary.

10. Secondly, what was the legal basis for the arrest and detention in Lebanon of Palestinians, both combatants and civilians? Did Israel accept that it was under an obligation in international law to release them, since the hostilities had ceased? Had any persons arrested in Lebanon been transferred to Israel? If so, in what capacity and by what right? Could Israel give an assurance that they would now be returned?

11. Thirdly, what was the relationship between the Israeli military commanders and the civilian authorities in southern Lebanon? Did the Israeli forces still claim not to occupy any part of Lebanon, to have issued no military orders affecting the civilian population, and to be merely assisting the local civilian authorities? If that was still their official attitude, it appeared to bear little relation to reality.

12. Mr. AL-QASEM (International Organization for the Elimination of All Forms of Racial Discrimination) said that he would confine himself to giving a few examples of gross and persistent violations of human rights by Israel. The actions of the Israeli authorities, as demonstrated by the invasion of refugee camps in Lebanon, showed that Israel was determined to go as far as the physical destruction of the Palestinian people. After the massacre at the Sabra and Chatila camps, the Israeli authorities had been content to throw the blame on others, leaving many important questions unanswered. According to official statements, the Israeli army, on learning of the massacre, had gone into the camps and had stopped it. Why then had it not arrested the murderers on the spot, and why had it not brought them to trial? If the Israelis were innocent, that had been the opportunity to vindicate themselves. Yet not a single murderer had been arrested or interrogated.

13. Contrary to what took place in a truly democratic society, people in the occupied territories that often did not know of the existence of a military order until they were brought to trial and even lawyers had difficulty in locating such orders. Such a situation had no parallel except in a single case, that of the worst dictatorship the world had ever known.

14. Furthermore, the population of the occupied territories had no effective judicial protection. Committees without any semblance of judicial competence had been set up by the military authorities, which thus exercised supreme control over the administration of justice. Those committees encroached upon the jurisdiction of the ordinary courts even in civil matters. As for the Israeli Supreme Court, it was far from being the final protector of the rights of the people of the occupied territories. The fact that there was no written constitution or bill of rights made it difficult to challenge the constitutionality of any discriminatory legislation. Furthermore, the attitude of the Supreme Court towards violations of the human rights of the population of the occupied territories and towards international human rights conventions - for example, its refusal to give effect to the Universal Declaration of Human Rights - was extremely negative and could not fail to give comfort to the Israeli authorities. The Supreme Court accepted with great ease the argument of security to justify almost every violation of the rights of the people of the occupied territories, including massive expropriation of their lands. In 1979, it had decided that since there was no specific law to that effect, the Fourth Geneva Convention could not apply to the occupied territories, thus sweeping away the protection offered by the Convention and, together with it, by every other human rights convention to which Israel might be a party. Thus the persons for whose protection those instruments had been designed found themselves at the mercy of an occupier who seemed to be in no hurry to adopt the necessary enabling legislation. Because of their racist nature, most of the actions taken by Israel constituted crimes against humanity as that concept was defined in the Nuremberg principles and in the relevant international conventions.

15. Lastly, the Israeli nationality law denied the right to nationality to the non-Jewish communities of Israel, the indigenous people of the country. Israeli nationality at birth was granted only at the discretion of the administration. But the indigenous people of Palestine were not the only victims of discrimination; the reformed and conservative Jewish religious denominations, too, were no longer recognized under the law since 1981. The practical and legal effect of the 1981 Act could not be exaggerated. That discriminatory legislation should be repealed and the rights to nationality and religion restored.

16. Mr. HALEVI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that it was easier to spread lies than to be faithful to the truth. By claiming that the item under consideration was not worth the Commission's attention and that only prejudice against Israel, or even anti-semitism, explained that item's inclusion in the agenda, Israel was resorting to the tactics of preventive attack, similar to the "active defence" policy which it practised in the military field. But such attempts at intimidation by Israel served as their own condemnation and needed no comment.

17. How could a representative of Israel speak of the objectivity of the Israeli Government's behaviour in the territories it occupied? The principal culprit could not be a judge at the same time. Instead of answering point by point the data compiled by the commissions, committees and seminars organized by the United Nations, which drew a precise picture of the situation, the Israeli representative had preferred to launch into a description of a paradisiac occupation.

18. Members of the Commission knew the situation well enough to understand that no occupation could be benign, still less positive. The fact that the Observer for Israel had tried to accredit such a claim provided a measure of his attitude towards facts. Those facts were not only described in the report of the Special Committee but were also confirmed by non-governmental organizations, such as Amnesty International, which could hardly be accused of choosing Israel as its favourite target.

19. Israeli institutions, civilian in the territories under Israeli control since 1948, military in the areas occupied since 1967, discriminated officially and openly between Jews and non-Jews, as well as between citizens and "subjects" of the military Government. One-third of the land in the occupied territories had been confiscated for the benefit of exclusively Jewish Israeli settlements or Israeli military bases, under the pretext of ensuring Israel's security. To speak of democracy in connection with the two million Palestinians ("non-Jews") living under Israeli rule, to whom the inhabitants of occupied Lebanon had to be added, was a tasteless joke. Democracy was strictly reserved for the Jewish citizens of the "Jewish State". Palestinians, for their part, suffered dispossession and brutality, humiliation and persecution. In one case only, that of Elion Moreh, had the Supreme Court ruled against confiscation, but only because the settlers who claimed to have divine right to the land had failed to invoke that all-powerful argument.

20. The observer for Israel had called the PLO an organization of terrorists, while the blood of tens of thousands of women, children and old people killed by Israelis was not yet dry upon the soil of Lebanon. He had claimed that the PLO was bent on the destruction of a Member State of the United Nations, while the Prime Minister of Israel was at the head of a party whose charter, written in 1948 and never amended, called for the destruction not only of the Palestinian State and people, but also of the Jordanian State. Cynicism was nothing new, and Israel was not the first aggressor to try to cover its exactions with a cloak of outraged innocence. Nevertheless, a prompt rejoinder had had to be made.

The meeting rose at 4.10 p.m.