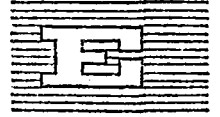


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 February 1983, at 10 a.m.

Chairman: Mr. OTUNNU (Uganda)

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 10.10 a.m.

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

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 and 13; ST/HR/SER.A/14)

1. Mr. LI Luyue (China) said that the reports circulated since the Commission's thirty-eight session presented a shocking picture of the Israeli authorities' violations of human rights in the occupied Arab territories. As stated by the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, such violations had attained an unprecedented level during the past year and had included an attack on the Al Aqsa Mosque in Jerusalem; they had violated the rights to life and to freedom of religious belief. In defiance of the Palestinian people's opposition and of world public opinion, Israel continued incessantly to encroach upon Arab land, having accelerated the expansion of settlements on the West Bank and the Gaza Strip and declared that, within the next five years, the number of settlements would be increased from the current 103 to 160 and that the number of Jewish immigrants would reach 100,000. On the West Bank and the Gaza Strip, Palestinian land was being confiscated and the natural resources plundered; the aim was clearly to change the character of the occupied territories, perpetuate Israel's military occupation and thus prevent the Palestinians from recovering their homeland.
2. Also during the past year Israel had expanded its military occupation of Arab territories through its armed aggression against Lebanon - yet another provocative act against the Arab countries and peoples and against nations which upheld justice. Since 1973, Israel had brutally trampled on Lebanon's sovereignty and territorial integrity, flagrantly violating the Charter and basic norms of international relations. Worse still, Israel had caused the tragic massacres at the Sabra and Chatila refugee camps. Israel's wilful violation of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention) had reached genocidal proportions, for which its authorities could not evade responsibility. Israel's audacity stemmed from the support it received from one super-Power, which ensured that the continued violations of human rights in the occupied Arab territories went unchecked.
3. The Palestinian people's just struggle, despite temporary setbacks, was gaining ever more support, as reflected in important resolutions adopted in 1982 by the Security Council at emergency sessions and by the General Assembly at its resumed seventh emergency special session. The General Assembly, at its thirty-seventh session, had also adopted - by an overwhelming majority - a resolution demanding Israel's withdrawal from the Arab territories occupied since 1967 and the restoration of the Palestinian people's national rights. China had participated in, and supported the findings of, the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, (which had reaffirmed the Palestinian people's inalienable right of self-determination and condemned the many crimes committed by the Israeli authorities. It had also stressed that Israel's occupation constituted a violation of that people's human rights, and that the Palestinians' future could be determined only with the participation of their sole legitimate representative, the Palestine Liberation Organization (PLO).

4. To talk of guaranteeing basic rights in the occupied Arab territories was fruitless unless the right of national self-determination was restored and foreign and military occupation ended. Therefore, in order to solve the problem of human rights violations in those territories, the following action must be taken. Firstly, the right of the Palestinians to return to their homeland and to exercise national self-determination and statehood must be restored. Secondly, Israel must withdraw from all the territories it had occupied since 1967, including Jerusalem and Lebanon, and must be made to stop its annexations and atrocities. Thirdly, the relevant General Assembly and Security Council resolutions must be implemented and Israel strongly condemned for all its acts in breach of those resolutions, the Charter and the norms of international law. Fourthly, in the event of war and armed conflict and in the occupied territories, civilians must be protected strictly in accordance with the fourth Geneva Convention; the Israeli authorities must consequently be punished for the killing of civilians. Fifthly, Israel must release all Arabs detained as a result of their struggle for self-determination and, pending their release, cease all acts of torture and ill-treatment and accord the detainees the protection envisaged in the relevant international instruments. Sixthly, the international community must provide all moral, material and diplomatic assistance to the Palestinian people and desist from supporting Israel while the latter was pursuing its expansionist policies and violating human rights in the occupied territories. Seventhly, the eight principles adopted at the twelfth Arab Summit Conference at Fez provided a sound basis for a just and comprehensive settlement of the Middle East question. The PLO should participate in all efforts to settle the problems of Palestine and the Middle East as a whole.

5. Mr. CHOWDHURY (Bangladesh) said that year after year, in various international forums, the voice of justice had been vainly calling for an end to the suffering of the peoples of the occupied Arab territories, including Palestine. The rights of self-determination had long been recognized, being enshrined in the Charter and in article 1 of the International Covenants. The Palestinians, having their own culture, religion and race, constituted a people, and their rights had been recognized as such in a number of United Nations resolutions. But the United Nations seemed powerless to remedy the denial of the Palestinian people's right to recover its homeland and live there in freedom, security and dignity. Indeed, the occupation of Arab lands was increasing, in defiance of the numerous resolutions adopted, and the population of the occupied territories was being subjected to discrimination and denied the enjoyment of equal rights and opportunities. Israel's occupation of Jerusalem was in flagrant disregard of world public opinion and United Nations resolutions. Likewise, resolutions calling for humane treatment of persons imprisoned by the Israeli authorities had been ineffectual.

6. The only reasonable course open to the United Nations was to implement its resolutions, calling on Israel, as a Member State, to comply with them. Israel must release all its prisoners since it was unable to treat them in accordance with the provisions of the Geneva Conventions. The United Nations must take steps to enable the Palestinian people to recover its homeland and all peace-loving nations should give material assistance for that purpose. It was for the Palestinians themselves, through their sole legitimate representative - the PLO, to determine their future.

7. Bangladesh would continue to lead its full support to the cause of the Arab peoples, including the Palestinians, and in all forums it would support their struggle to live in their own homeland in peace and freedom.

8. Mr. KONSTANTINOV (Bulgaria) said his delegation was deeply perturbed by the fact that the question raised in agenda item 4 had for some 35 years past been on the agendas of various United Nations bodies, including the General Assembly, the Security Council and the Commission. Despite the numerous resolutions adopted and the international community's efforts, the violations of human rights in the occupied territories, including Palestine, and the overall situation in the Middle East continued to worsen and remained among the gravest of current problems, seriously threatening international peace and security. The United Nations faced a situation in which a State had for many years pursued a policy of oppression, violating recognized norms of international law and numerous United Nations resolutions. Israel's illegal occupation of Arab territories since 1967 and its Government's acts of aggression and oppression were clearly designed to change the legal status, geographic nature and demographic constitution of those territories, through deportation, expulsion and denial of the right to return, thus grossly violating the inhabitants' human rights. Confiscation and expropriation of private and public Arab property, destruction of houses, collective punishment, arbitrary arrest, detention and ill-treatment were common Israeli practices inflicted on the Arab population of the occupied territories. So too were the measures aimed at destroying the educational system and the social and economic development of the Arab people, and the illegal exploitation of the territories' natural and human resources.

9. As the Special Committee to investigate Israeli practices in the occupied territories had stated in its report (A/37/485), it was vital to realize that the violation of human rights in those territories would cease only when the Palestinian people was allowed to exercise its right of self-determination. The denial of that right remained the major obstacle to the restoration of peace and security in the region. As has been pointed out during the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel (ST/HR/SER.A/14), that right could not be extinguished by coercive displacement of the people from the territory once the right had accrued to that people there, and the right of self-determination included the right of the Palestinian people to regain their rights by all means in accordance with the Charter.

10. During the Commission's thirty-eighth session, it had been stated that Israel should be commended rather than condemned for its efforts to maintain order, security and justice in the so-called administered territories. However, the culmination of those efforts had been Israel's invasion of Lebanon in 1982 and the resultant devastation and loss of life. Enormous numbers of people had been deprived of such basic needs as housing, sanitation, medical care, food and security. Israeli troops, using sophisticated weapons, some of which were prohibited under relevant international instruments, had systematically and indiscriminately destroyed refugee camps, hospitals, schools and settlements. Despite Security Council resolutions, Israel had occupied almost half of Lebanon's territory. The chief victims of that criminal war were the Palestinian and Lebanese peoples, whose sufferings represented a brutal denial of the right to life. Its climax had been the cold-blooded massacre, for which the State of Israel was responsible, in the refugee camps at Sabra and Chatila, a crime against humanity reminiscent of Nazi practices.

11. In view of Israel's deeds during the previous year, it was hard to understand the statement, recently made in the Commission, that Israel had good reason to be proud of its record in the occupied territories. The expansionist course adopted by Israel was bound to lead to more warfare and suffering in the occupied territories, especially since Israel had always received the unconditional political and military support of the United States. The General Assembly, in resolution 36/226 A, had considered, inter alia, that the agreements on strategic co-operation between the United States and Israel would encourage the latter to pursue its aggressive and expansionist policies; the tragic result of such co-operation had been seen one year later. The strategic aspects clearly included a policy of division, hostility and interference with the right of Arab peoples, including the Palestinians, to self-determination and peaceful development. The Camp David accords were the first of many destabilizing steps which had led to a constant deterioration of the situation in the region, the exacerbation of existing tensions and gross violations of human rights in the occupied territories. The so-called Palestinian autonomy, far from being a remedy, was likely to jeopardize any just and genuine solution.

12. His delegation's views had been expressed many times in the Commission and other United Nations bodies. Bulgaria condemned Israel's aggressive and expansionist policies and its persistent and systematic violations of human rights in the occupied Arab territories. It expressed sympathy, solidarity and support for the Palestinian people in its struggle, led by its sole legitimate representative, the PLO. Only by recognizing the Palestinians' right of self-determination, including the right to create their own State, could a true, equitable and lasting solution be reached. His delegation urged the Commission to adopt all resolutions aimed at that goal.

13. Mr. ZORIN (Union of Soviet Socialist Republics) said that the peoples of the world had long condemned the crimes committed by Israel in the occupied Arab territories, but the recent events in Beirut and elsewhere in Lebanon could not be compared even with those crimes. Israel had begun its aggression in Lebanon in June 1982 with a number of goals: to destroy the military forces and leadership of the PLO, to annihilate the Palestinian Arab people as a nation, and to force upon Lebanon a peace treaty similar to the Camp David accords, thus tearing another State away from the Arab front.

14. The bloody war in Lebanon had shaken mankind. The heavy casualties among the civilian population had not been coincidental: the mass killings in West Beirut and the massacres in Sabra and Chatila were true examples of genocide against the Palestinian Arab people and were on a par with such evil deeds as the Babi Yar massacre during the Second World War. It was impossible to convey the full horror of the tragedy. The victims of the massacre had begged Israeli soldiers at the gates and reconnaissance points for mercy. On at least two occasions, delegations of women and children carrying a white flag had approached those soldiers but had been shot. A group of doctors and nurses had also sought safety under a white flag; they had been killed by a grenade. Many wounded from Palestinian hospitals had later been found shot at the Beirut stadium. And on 17 September, Israeli General Etan had thanked those who had carried out the massacre for their good work.

15. An international commission to investigate Israel's crimes against the Lebanese and Palestinian people had been established; its members were prominent lawyers and public figures from 17 European, Asian, African and American countries. It had heard the evidence of witnesses who had experienced all the horrors of the war in Lebanon, read the conclusions of legal experts and doctors, reviewed the material evidence, and undertaken a political and legal assessment of all the material it had studied. Its conclusion had been that the actions of Israel and its protectors constituted a gross violation of the norms and principles of international law enshrined in the Charter and other instruments. The commission had found that in bombing and seizing part of Lebanon, Israel had not only violated the general prohibition of the use of force in international relations embodied in Article 2 of the Charter, but had also committed acts specified in article 3 (a), (b) and (c) of the Definition of Aggression (General Assembly resolution 3314 (XXIX)). Since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, any military or repressive action against peoples struggling for self-determination had been viewed as a most serious international crime, and it was precisely action of that kind that Israel had systematically been taking against the Palestinian Arab people.

16. The commission had further concluded that, in carrying out its aggression against independent Lebanon, Israel and its Zionist leaders had begun to inflict genocide on the Palestinian Arab people. The Israeli leaders had not hidden the fact that the main goal of their action had been the destruction of the PLO and of the Palestinian people as a historical and ethnic entity. The commission had determined that Israel was deliberately engaging in military action against a civilian population and bombing peaceful towns and populated areas, which was deemed a crime by many international legal instruments.

17. The use of prohibited types of weapons was also a direct violation of international conventions. The commission had noted that barbaric weapons of mass destruction had been widely used in Lebanon and that the majority of the victims had been peaceful citizens. While 50 per cent of the victims of military action during the Second World War and 70 per cent in Viet Nam had been civilians, the figure had reached 90 per cent in Lebanon. The Israelis had dropped 900-kg American-produced bombs on heavily populated areas of Lebanese towns and on Palestinian refugee camps. The bombing by the Israeli air force of hospitals protected by the emblems of the Red Cross and the Red Crescent violated one of the oldest norms of humanitarian law.

18. The commission's document also referred to such crimes as the terrorization of the civilian population, the use of starvation as a means of warfare, the creation of concentration camps for refugees and peaceful citizens, cruel treatment of prisoners, torture, mutilation, the systematic destruction of diplomatic missions, and the annihilation of scientific and cultural institutions. Those crimes had also been discussed at the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel. The Seminar had concluded that the violation of human rights in the occupied territories would cease only when the Palestinian people were allowed to enjoy their right to self-determination and when Israeli occupation ended. It had condemned the Israeli invasion of Lebanon as an illegal act in all its aspects, and most participants had concluded that Israel had committed acts which fell clearly within the definitions of war crimes, the crime of genocide and crimes against humanity. The idea of imposing sanctions upon Israel analogous to those imposed on South Africa was worthy of special attention.

19. The Government of Israel was openly ignoring Security Council resolutions 508 (1982) and 509 (1982) and attempting to strengthen its position in Lebanon. The bloody events in Lebanon were a direct consequence of the Camp David accords and a manifestation of the Israeli policy of finishing off the Arab countries one by one. Primary responsibility for the crimes in Lebanon and the other occupied Arab territories rested on the ruling circles in Israel, but those who had placed weapons in the aggressor's hands were also guilty. The events were a direct consequence of the "strategic alliance" between Israel and the United States, and Washington continued to seek additional bases in the Middle East.

20. While the United States had formerly attempted to hide its expansionist policy in the region, it now took a direct and active part on the side of Israel in events in the Middle East. Since 1951, Israel had received credits of around \$15 billion for the purchase of weapons from the United States, whose economic and military aid to Israel would exceed \$2 billion in 1983. Israel simply could not have launched its new phase of aggression against the Arab peoples without United States support. Washington was now trying to dissociate itself from the crimes which had been committed, particularly at Sabra and Chatila, but intervention in those camps had been discussed earlier by the Israeli leaders and Murray Draper, Reagan's representative in the Middle East. When, at its emergency special session, the General Assembly had adopted a resolution demanding the withdrawal of Israeli forces from Lebanon, only Israel and the United States had opposed the resolution, thus showing who was the criminal and who inspired the Israeli ruling circles to commit the crimes they committed. Israel and the United States had also opposed the adoption of General Assembly resolution 37/86, which acknowledged the right of the Palestinian Arab people to self-determination.

21. The observer for Israel had said nothing in response to the accusations of human rights violations levelled against his Government. That was understandable: he simply could not deny what everyone knew. He had, however, attempted to point to human rights violations everywhere else except in the occupied territories. Accusing others of hypocrisy, he had gone beyond hypocrisy by asserting that the human rights situation in the occupied territories had improved after thousands of women, elderly people and children had perished in West Beirut and the annexation of Arab territories had been intensified. But nothing else could be expected of an Israeli: such was the logic of the aggressor. However, the aggressor and his protector had not accomplished their goals; they had not brought the Palestinian or Lebanese peoples to their knees.

22. There was a real chance to co-ordinate the actions of all those who sought a just peace in the area. The Soviet Union favoured a comprehensive settlement in the Middle East which provided for the full and unconditional withdrawal of Israeli forces from all Arab territories occupied since 1967, including eastern Jerusalem, and the enjoyment by the Palestinian Arab people of its inalienable national rights, including the right to exercise self-determination, create an independent State and return to their homes. The Middle East problem could not be solved unless the Palestinian problem was solved, and that could not be done without the participation of the PLO, the sole legitimate representative of the Palestinian people. An effective way of achieving a true settlement in the Middle East would be to convene an international conference in which the PLO should participate together with other interested parties.

23. The Commission must condemn Israel's gross and massive violations of human rights in the occupied Arab territories and must call on all States and peoples to exert pressure on the Israeli ruling circles in order to end their occupation of the Arab territories and Lebanon. It should demand that the United States cease all support for the criminal policy of Israel in respect of the Arab States and the Palestinian Arab people. It should stress that that people, led by the PLO, must soon be given the opportunity to exercise its right of self-determination, including the right to establish an independent State. To deprive the Palestinian people of that right was a very serious crime which mankind could not condone.

24. Mr. MARTINEZ (Argentina) said the Commission should ask itself whether in its discussion of the violation of human rights in the occupied Arab territories, including Palestine, it was dealing merely with the effects and not with the causes. When a territory was occupied by force by a foreign Power, a permanent injustice, which could only be maintained through the systematic violation of human rights, was instituted. Such situations were by their very nature a constant threat to international peace and security.

25. His delegation strongly opposed the continued presence of the invader in the occupied Arab territories: its presence constituted an affront to the international community and to the letter and spirit of the Charter. The defence of the territorial integrity of States was one of the pillars of the United Nations system and the basis for coexistence among nations. Accordingly, the continued occupation of territories and their forcible annexation jeopardized the very existence of the United Nations system and represented a serious setback in the evolution of contemporary international law.

26. The explosive situation in the Middle East had now been exacerbated by further invasions of the territories of States, as a result of which massive violations of human rights had proliferated, including inexcusable attacks on refugee camps and the assassination of civilians. His delegation was horrified at the massacres in the Sabra and Chatila refugee camps and called for an end to the invasion which had facilitated those crimes. It vigorously rejected the unilateral measures used by Israel to change the legal status, geography and demographic composition of the occupied territories in flagrant violation of the fourth Geneva Convention and numerous General Assembly and Commission resolutions. It opposed the Israeli occupation of Lebanese territory and the presence of foreign armed forces in violation of specific Security Council resolutions.

27. He drew attention to the situation in the holy city of Jerusalem, the unilateral occupation of which complicated the situation still further. As Security Council resolution 476 (1980) indicated, that problem could be solved only on the basis of historic and cultural values by Christians, Jews and Moslems, all of whom regarded the city as their spiritual heritage. A policy of fait accompli could not confer legitimacy, since it violated the principle of non-acquisition of territories by force.

28. His delegation had always fully supported the self-determination of the martyred Palestinian people, which had unique characteristics differentiating it from other peoples in the region and centuries-old roots in the territory which it inhabited. It would be disparaging to consider it as an ethnic or cultural minority, since it fulfilled all the requirements for exercise of the right of self-determination

His delegation strongly condemned the military occupation which prevented the Palestinian people from exercising that inalienable right, especially since the occupying Power was attempting to implant a foreign population in order to make the Palestinian people a minority in its own land.

29. An integrated solution to the Middle East conflict meant that all States in the area would have the right to exist within mutually recognized and secure boundaries. The Jewish and Palestinian peoples were two realities by which the Commission's work must be guided. The activities of United Nations bodies and efforts by the Secretariat were far from a rhetorical and ineffectual exercise; on the contrary, it was precisely in forums like the Commission that progress had begun to be made in obtaining justice for the Palestinian people. His delegation hoped that that progress would continue through decisions adopted by the Commission at its current session.

30. Mr. BHAGAT (India) said that because of its complexity and the enormity of the human rights violations involved, the subject under discussion was a test case for the Commission, which would be judged in terms of its success or failure in restoring basic human rights to the unfortunate people of Palestine. Any moral or political pressure which the Commission had been able to exert had so far been arrogantly disregarded by the Government of Israel, and the brutal suppression of the rights of the Palestinian people had not let up. That represented a singular failure on the part of the Commission and the international community.

31. Since the Commission's previous session, events in the occupied territories and Lebanon had poignantly revealed the sad plight of the Palestinian people. Israel had continued its policy of formal annexation of Arab territories through the establishment of settlements, which had led to a change in the demographic composition of those territories. The Palestinians were thus being turned into aliens in their own territory, where they were denied the rights that were their due under the Charter and other international instruments. The occupation had resulted in the denial of the basic right of self-determination and of political, civil, social and cultural rights to the indigenous Palestinian population. The economy of the occupied territories was completely subjugated to the Israeli economy. Palestinians and Arabs in the occupied territories were subjected to mass arrests, torture, destruction of houses and expulsion from their homes without any recourse to judicial or other legal processes. Since the occupied territories were governed by Israeli martial-law authorities, the freedoms of expression, assembly, association and religion, together with the other fundamental rights of the Palestinians, had been severely curbed.

32. Not only had the Palestinians been denied their basic human rights in their homeland, but those of them who had taken refuge in foreign lands had been hounded from place to place and massacred as part of a calculated extermination campaign. The massacres at Sabra and Chatila, perpetrated with the connivance of the Israeli authorities, were a blot on the conscience of the international community. In utter disregard of the fourth Geneva Convention, to which Israel was a party, atrocities had been committed against the innocent civilian population. Despite the guarantee given to the PLO when it withdrew from West Beirut that the Palestinian civilian population would be protected, thousands of defenceless men, women and children had been massacred in a manner reminiscent of the genocide committed during the Second World War. There had also been reports that Palestinian prisoners were being tortured and killed by the Israeli authorities.

33. The impact that that state of persecution and uncertainty would have on the generation of Palestinians surviving the genocide was incalculable. Not only had the Palestinians suffered physical and emotional uprooting, but younger generations would grow up in a state of physical, material, educational and psychological deprivation. The human cost inherent in the situation made that episode one of the most harrowing of recent history.

34. Since its independence, India had consistently supported the realization of the inalienable rights of the Palestinian people, without which there could be no peace in western Asia. The countries concerned and the international community must support the struggle waged by the Palestinian people under the leadership of the PLO, to which India had granted full diplomatic status. India had increased its contribution to UNRWA to 200,000 rupees in 1982 and had provided an additional 200,000 rupees in response to an appeal from the Commissioner-General. The Government of India had continued its programme of scholarships to Palestinian students who had been denied a proper education in their occupied homeland and had dispatched a medical mission to Lebanon to care for sick and wounded Palestinians who had fallen victim to the Israeli onslaught. There was widespread public sympathy in India for the unimaginable sufferings of the Palestinian people.

35. A permanent and just solution to the problem of human rights in the occupied Arab territories, including Palestine, could be found if the international community could prevail upon Israel to vacate the territories it had occupied by force and to respect the sovereignty, territorial integrity and political independence of every State in the area, their right to live in peace within secure and recognized boundaries, and the right of the Palestinian people to return to their homeland.

36. What should the Commission do to deal with the new emergencies that had arisen? Its resolutions, seminars and resounding statements had been treated by the perpetrators of human rights violations as ritualistic exercises. It must, however, have faith that its words and deeds would force the Israeli authorities to conform to the standards of human rights expected from a people which had been victims of such violations itself. It should display complete solidarity in condemning the Israeli Government's violations of human rights. It should speak as the conscience of mankind, unsullied by controversies or the global strategic considerations of certain countries, and it should reflect the moral and political pressure of world opinion in its resolution on the matter. There could be no better guarantee of a change of heart in the Government than to mobilize Israeli public opinion in favour of such a change. The countries represented in the Commission, especially those with the most effective leverage, should, in their bilateral dealings with Israel, make the Israelis realize that the long-term implications of the present policies would harm only themselves. Any impression that its actions were condoned at the bilateral level would only encourage the Israeli Government and dissuade it from working for a just and comprehensive solution to the problem. Members of

the Commission could also furnish moral, material and physical assistance to enable the Palestinian people to live with dignity and honour even in the midst of the current vicissitudes.

37. The Commission was at a crossroads: its status as a watchdog against human rights violations could be vindicated only if it showed the will and determination to take the steps he had outlined.

38. Miss ILIC (Yugoslavia) said that, even if the shocking events of the past year in the Middle East had not taken place, there would have been numerous other instances of violations of human rights by Israel for the Commission to consider. Israel and some of its friends defended such acts as the expulsion of Arabs from their homes, the expropriation of land, the establishment of Jewish settlements, deportations, collective punishments, mass arrests and torture as being normal, legal and justified under a state of occupation. However, the only legal act in a territory occupied by an invader was to resist and struggle for liberation and human dignity.

39. While the situation in the occupied Arab territories had been deteriorating year after year, it had changed qualitatively as a result of the carefully co-ordinated aggression against Lebanon and the massacres at Chatila and Sabra, which had been planned at an Israeli cabinet meeting on 15 June 1982 and had not been officially condemned by a sector of the international community which was otherwise very quick to react to infinitely less serious events elsewhere.

40. The recent events left no doubt about Israel's real aims. Israel had never sought peace, except on its own terms. It was now openly admitted that Israel sought domination over peoples and countries, even if that implied the extermination of an entire people whose rights were being denied by a "chosen people" who claimed that their right to Palestine was God-given. What was particularly disturbing was that such views were supported by the highest religious authorities in Israel. After the recent events in Lebanon, friends and allies of Israel must make it absolutely clear to the Government and people of Israel that their concern and support for that country's right to exist - a concern shared by the Yugoslav delegation - must not be construed as support for, or approval of, its policy of aggression and annexation.

41. Israel had often attempted in the past to justify its aggressive acts by invoking a supposed threat to its own security. The security of Israel was indeed threatened, but by Israel itself. It was illusory to think that Israel could secure recognition for its right to exist by means of war, terror and blackmail. It could do so only by demonstrating its readiness to live in peace with its neighbours, to recognize the rights and equality of others, to become a part of the region and to work for its peaceful development and progress.

42. The question of self-determination for the Palestinian people was the core of the Arab-Israeli conflict. No peace plan would succeed if it was based on the denial of the existence of an entire people, failed to recognize the Palestinian people's right to self-determination and to establish a State of their own, or excluded dialogue with the almost universally recognized representative of the Palestinian people, the PLO.

43. After the latest Israeli act of aggression, the Commission must make it clear that acts of genocide committed against Jews in the past could not and must not be accepted as a justification for crimes against the Palestinian people. The Commission would be remiss in its duty if it did not adopt a resolution recognizing the right of the Palestinian people to self-determination, including the establishment of its own State, calling on all Member States to declare publicly their determination not to impede the realization of the Palestinians' right of self-determination, and recognizing the right of all States and peoples in the area to live in peace and security. Such a resolution, if adopted unanimously, would go a long way towards promoting peace and respect for human rights and fundamental freedoms and towards securing genuine freedom and independence for all peoples and countries in the area.

44. Mr. ZAFERA (Observer for Madagascar) said that the inclusion of item 4 in the agenda attested to the constant concern of the international community not only about the plight of the Palestinian people but also about the great threat which Israel's criminal actions posed to world peace and security. The various reports before the Commission contained damning proof of Israel's numerous violations of human rights in the occupied Arab territories, including Palestine. Instead of complying with the many resolutions of the United Nations and other international organizations, Israel continued to pursue a policy of terror and to deny the Palestinian people their inalienable national rights, including the right to self-determination and independence. It obstinately continued to establish settlements and expel the Arab population, and refused to apply the fourth Geneva Convention. Despite all the efforts of the international community, Israel persisted in its attitude of scorn, arrogance and cynicism, and was steadily escalating violence. The recent Israeli aggression and genocide against the Palestinian and Lebanese peoples and, in particular, the barbaric massacres at Sabra and Chatila were further manifestations of Israel's arrogant challenge to the world.

45. At session after session, the Commission had adopted resolutions condemning such acts and yet Israel was pursuing with impunity its policy of aggression and expansionism; the United Nations seemed powerless to prevent the most serious violations of international law and human rights since the end of the Second World War. The Commission must take effective measures to put an end to Israel's criminal actions, failing which international peace and security would be seriously threatened.

46. His delegation wished to reaffirm its condemnation of the policy of aggression and expansionism of the Zionist regime and its support for the just struggle of the Palestinian people under the leadership of its sole legitimate representative, the PLO. The Palestinian question was the crux of the problem of the Middle East, and there could be no question of a separate peace, as envisaged in the Camp David accords. What was required was a comprehensive peace based on respect for the inalienable rights of the Palestinian people, including its right to self-determination and to establish an independent State, and on the withdrawal of Israel from all occupied Arab and Palestinian territories, including Jerusalem.

47. In southern Africa, human rights and the rights of peoples continued to be flouted. The racist regime in Pretoria was reinforcing its policy of apartheid and stepping up its repression against the black population, while its continued illegal occupation of Namibia was accompanied by a growing number of violations of the most basic human rights and a further outbreak of armed aggression against neighbouring States.

48. The efforts of the international community to secure genuine independence for the Namibian people under the leadership of SWAPO, its sole legitimate representative, were being thwarted by the brazen intransigence of Pretoria, which by means of delaying tactics was seeking to avert the application of the United Nations plan and to perpetuate its policy of brutal domination and exploitation. Far from heeding the many appeals of the international community, the South African regime was escalating violence, massacring prisoners of war, refugees and innocent civilians, and refusing to apply the fourth Geneva Convention and its additional protocol to freedom fighters.

49. The repeated deliberate acts of aggression against the front-line States, particularly the People's Republic of Angola, were deeply disturbing threats to the peace and security of that part of the world. Because the front-line countries were supporting a just cause, the South African regime was taking savage reprisals against them with the aim of undoing their efforts to develop their young economies and creating permanent insecurity within their territories. The settlement of the Namibian question required the immediate implementation of Security Council resolution 435 (1978), and any attempt to link the independence of Namibia with any other issue, particularly the withdrawal of Cuban forces from Angola, must be rejected as contrary to the spirit and the letter of that resolution and the provisions of Article 2, paragraph 7, of the Charter.

50. Turning to the question of Western Sahara, he recalled that the international community had welcomed the decisions adopted by the 1981 Conference of Heads of State and Government of the Organization of African Unity (OAU) concerning the holding of a general and free referendum on self-determination in Western Sahara. The arrangements for the referendum had been clearly outlined by the OAU Implementation Committee and had subsequently been referred to in resolutions adopted by the General Assembly at its thirty-sixth and thirty-seventh sessions, and resolution 1982/15 adopted by the Commission at its thirty-eighth session, in which it appealed to the parties to the conflict, Morocco and the Frente Polisario, to enter into negotiations on a cease-fire as a prerequisite for the organization of the referendum. In spite of all those resolutions, the fighting in Western Sahara continued and the Sahrawi people were still suffering the consequences of an unjust war which had been imposed on them. While the Frente Polisario had demonstrated its willingness to negotiate with Morocco with a view to ending the conflict, the Moroccans seemed adamant in their unwillingness to negotiate, and the situation seemed once again to be deadlocked.

51. It was high time the horrors and injustices suffered by the peoples of Palestine, Namibia and Western Sahara were brought to an end. The higher interests of mankind, law and justice must outweigh all other considerations. He was confident that the Commission, whose primary responsibility was to promote respect for human rights, would take the necessary measures for that purpose.

52. Mr. FARES (Observer for Democratic Yemen), speaking also on behalf of Yemen, said that, year after year, the Commission reviewed the record of the violation of human rights by the Zionist entity. Since the preceding session, the situation with regard to the rights of the Palestinian people had deteriorated as a result of Israel's policy of aggression in occupied Palestine and other Arab territories. A genocidal operation had been carried out by the Israeli army in Lebanon with the help of United States technology, and the Israeli war machine had left thousands dead or wounded. The massacre of children, women and old people in Lebanon was reminiscent of the worst crimes of fascism and nazism. The massacres at Sabra and Chatila, which had been condemned by the international community, would long be remembered, and even the Western news media had been unable to conceal the truth about those tragic events.

53. Genocide had always been one of Israel's aims and the recent massacres were by no means the first. Israel was attempting to destroy Lebanese unity and break the spirit of the Palestinian people on the pretext of eliminating the PLO. Israel's occupation troops remained in Lebanon and the Palestinian people continued to be the victims of terrorism, deprived of all their humanitarian and human rights. That noble people had been suffering for decades because of Israel's actions and the protection and support Israel enjoyed from the Western imperialists. The establishment of settlements in the occupied territories was proof of Israel's expansionist and annexationist designs, which violated United Nations decisions aimed at securing the inalienable rights of the Palestinian people, especially their right of self-determination. The various aspects of Israel's aggression and expansionism and its violations of the Charter and of fundamental human rights were well documented in the reports prepared by various United Nations bodies and other international organizations. The Commission, for its part, must adopt a resolution unequivocally recognizing the necessity of an Israeli withdrawal from the occupied territories and reaffirming the inalienable rights of the Palestinian people, including their right to return to their homeland and to establish a State of their own there under the leadership of the PLO.

54. Mr. KUDRIAVTSEV (Afro-Asian People's Solidarity Organization) said that his organization was deeply concerned about the gross violations of human rights which had accompanied Israel's occupation of Lebanon and other Arab territories. He had been a member of the international commission of inquiry into the crimes committed by Israel against the Lebanese and Palestinian peoples. That commission had found Israel to be guilty of a series of crimes against humanity, including genocide and other gross violations of fundamental norms of international law. Responsibility for those crimes must be borne by the guilty party and those who aided and abetted it.

55. The international commission had reached several conclusions with regard to the situation in Lebanon and other occupied Arab territories. It considered that the continued Israeli occupation of a large part of the sovereign State of Lebanon represented a gross and premeditated violation of the principles of international law and must be declared an international crime. There was irrefutable evidence that the Israeli authorities were provoking acts of violence in Lebanon and fomenting enmity between various groups of the population, including the Moslem and Christian communities. The Israeli occupation was destabilizing the political system of Lebanon and disrupting all normal activities. Under the occupation gross violations of human rights were occurring, including mass arrests, torture and the internment of civilians in concentration camps. The occupation represented a very serious violation of the sovereignty and integrity of Lebanon and of international law and human rights, and was an obstacle to the achievement of a just and comprehensive settlement in the Middle East, including recognition of the right of the Palestinian people to form a State of their own.

56. Israel invoked rather strange arguments to justify its behaviour, including the assertion that some people were better off under the Israeli occupation and that terrorists were to blame for the situation. Similar arguments had been used by the Hitlerites to defend their conduct in occupied territories but such arguments could hardly be taken seriously in the latter part of the twentieth century.

57. The international commission had also concluded that the situation in Lebanon could be ended only through the immediate, full and unconditional withdrawal of Israeli forces as a first step towards the full restoration of Lebanon's sovereignty and the normalization of living conditions there. Israel must bear full responsibility for all acts of violence committed in Lebanon under its occupation and control. Responsibility must also be borne by those who made the Israeli occupation possible, first and foremost the United States. The presence of United States military contingents in Lebanon was not conducive to an end to Israeli aggression against that country. The ways and means of implementing resolutions of the Security Council and other international bodies could be found by holding an international conference on the Middle East, with the participation of all parties on an equal footing, including the PLO.

58. His organization fully endorsed the conclusions reached by the international commission and hoped that the Commission on Human Rights would take effective measures to put an end to the Israeli occupation of Arab territories and ensure the full implementation of all United Nations resolutions on the subject.

59. Mr. SOFFER (Observer for Israel), speaking in exercise of the right of reply, said that at its 3rd meeting the Commission had been subjected to one of the most contemptible statements it had ever heard. The racist hysteria of the speaker in question was on a par with the most loathsome pages of Hitler propaganda. It was appalling that such a statement should have been made only days after the fiftieth anniversary of Hitler's accession to power, when the world was remembering the worst campaign of anti-semitism in history. The Commission was supposed to promote human dignity and must not become a vehicle for neo-Nazi racism. The statement by the speaker in question insulted the ideals of the Commission, the intelligence of its members and human dignity in general. He could understand that some delegations, wishing to cover up their own Governments' human rights violations, might choose to slander Israel. He could not, however, allow the Jewish people again to be the victim of such savage provocation and barbarous racism.

60. The speaker concerned represented a Government which was notorious for its racism. In that country, over 1,000 citizens had disappeared or been executed over the past three years and the torture of political prisoners had become a matter of routine. The dictator of that country had vowed to liquidate all his opponents and even sent his thugs to other countries to eliminate fellow citizens who had chosen to live abroad. The intolerance and religious fanaticism of that dictator had become a code of conduct and he was proud of his anti-Jewish views. To quote only one example, on 25 January 1983 he had stated in an interview with the French newspaper Le Matin that it was Zionism's aim to rule the world or destroy it, that the Zionists were training young people in various economic fields so that they might undermine the world economy, that the current world economic crisis was the result of the proliferation of Zionists in all areas of economic life and that Zionists might one day even take charge in the White House or the Kremlin or in the capital of some other major power. According to that same dictator, Hitler had realized what the Zionists planned to do and that they wished to rule Germany, and had acted to stop them.

61. Such intellectual obscenities did not deserve contradiction. It should be noted, however, that they bore a very close resemblance to the anti-semitic propaganda published in Tsarist Russia at the turn of the century. The author of such statements was Muammar Qadhafi; dictator of Libya. It was hardly surprising, therefore, that the Libyan representative should have launched into a tirade of anti-semitism and racial provocation.

62. Mr. AREBI (Libyan Arab Jamahiriya), speaking on a point of order, observed that the Commission was used to Zionist propaganda and would not be intimidated by the Zionist representative's obscene statements, which were totally out of place and showed a lack of respect for the Commission and all those present. At the Commission's 5rd meeting, the same speaker had insulted the Commission. The Commission always tried to be objective, and was currently considering items 4 and 9, namely Israeli violations of human rights in the occupied territories, including Palestine.

63. The CHAIRMAN appealed to the representative of the Libyan Arab Jamahiriya to be brief and to conclude his point of order.

64. Mr. AREBI (Libyan Arab Jamahiriya) reiterated that the Commission was dealing with items 4 and 9 and that the Israeli representative could not therefore refer to any Government other than his own. He certainly had no right to mention the Libyan Head of State.

65. The CHAIRMAN reminded members of the Commission that, under rule 43 (2) of the rules of procedure, speakers must confine their remarks to the subject under consideration, in the present case items 4 and 9. He also wished to point out that it was general practice in a body such as the Commission on Human Rights for members to use parliamentary language when addressing each other and the Chairman. The request to raise a point of order was always very specific and meant that a member wished to draw attention to a departure from the Commission's normal procedure. In raising points of order, members must confine themselves strictly to drawing attention to such departures from procedure and be as concise as possible.

66. Mr. SOFFER (Observer for Israel), continuing his statement in exercise of the right of reply, recalled that other speakers had referred to the Lebanese tragedy in the same racist, anti-Israeli manner and he challenged everything they had said. With regard to the massacres at Sabra and Chatila, he would simply ask the delegates in question what their Governments had done when the PLO and Syria had fomented civil war in Lebanon at the cost of over 100,000 innocent lives, and why they had remained silent when the PLO had massacred the entire population of the town of Damour and when the PLO and Syria had committed genocide against the Lebanese Christian community.

67. Mr. SAKER (Observer for the Syrian Arab Republic), speaking on a point of order, said that Israel had again strayed from the subject matter of items 4 and 9 and should be made to comply with the rules of procedure.

68. Mr. BEAULNE (Canada), speaking on a point of order, said that the Syrian Arab Republic was not a member of the Commission and that the observer for that country could not therefore raise points of order.

69. The CHAIRMAN upheld the point of order raised by the representative of Canada.

70. Mr. SOFFER (Observer for Israel), continuing his statement, repeated that, with regard to the events at Sabra and Chatila, it was scandalous that instead of condemning those responsible some countries were blaming Israel for what had been a tragic settling of scores between Lebanese Christians and Palestinian occupiers after eight years of civil war and anti-Christian oppression. It was unpardonable to betray the memory of the victims of the Sabra and Chatila massacres by using them for a hysterical anti-semitic campaign, while passing over the deaths of the 100,000 other victims of the Lebanese civil war. It was, moreover, paradoxical that those who slandered Israel included not only Libya but also such States as Iran, where religious terror was costing the lives of countless innocent people.

71. Mr. ARABI (Libyan Arab Jamahiriya), speaking on a point of order, said that the observer for Israel was again straying from matters relating to items 4 and 9 and even referring to countries which were not represented and were therefore unable to refute his accusations.

72. The CHAIRMAN repeated that speakers must confine themselves to the subject-matter of items 4 and 9.

73. Mr. BURNS (United States of America), speaking on a point of order, said that when the observer for Israel had last been interrupted he had been speaking of the events of Sabra and Chatila. Since almost all other speakers had referred to those events, it seemed logical to allow the Israeli representative to do likewise.

74. Mr. SOFFER (Observer for Israel), continuing his statement, said that he would not insult the intelligence of delegates by reiterating the obvious. They would be able to distinguish for themselves between justice and common sense, on the one hand, and the fanaticism and anti-semitic frenzy which they had been forced to witness, on the other.

75. Mr. OSMAN (Observer for Somalia) said that the gravity of Israeli violations of human rights in the occupied territories, including Palestine, was amply demonstrated by the reports and resolutions adopted year after year by the Commission and other international organizations. It was the sincere hope of his delegation that, at its current session, the Commission would adopt a firm, effective and unequivocal decision denouncing Israeli brutality and atrocities. The documents before the Commission revealed the scale of the terror, genocide and destruction perpetrated by Israel against the peoples of the occupied territories, and showed that there were no limits to its contempt for international law or to its callous inhumanity.

76. Israel's armed aggression against Lebanon was a clear example of its total disregard for the rule of law and for civilized international behaviour. The intensive bombing of Beirut and other Lebanese towns, the killing and maiming of thousands of civilians, and the continuing occupation of Lebanon by Israeli armed forces had grave implications for world peace and security. The recent massacres at Sabra and Chatila were a particularly painful reminder of the horrors of the Holocaust of the Second World War and the international community had rightly condemned Israel for its genocidal actions. The Zionist entity should be held responsible for aiding and abetting the perpetrators of those atrocities against defenceless civilians. Its action was a crime against humanity and violated the relevant international conventions, in particular the Fourth Geneva Convention. Israel's continuing occupation of Palestinian and other Arab territories was itself a flagrant violation of the human rights of the populations of those territories and its suppression of their fundamental rights and freedoms was a serious breach of the principles of international law and the provisions of the International Covenants on Human Rights.

77. His delegation urged the Commission to be firm and uncompromising in its condemnation of Israel for the bloodshed in Lebanon and to call for the immediate, complete and unconditional withdrawal of the Zionist forces of terror and oppression from that country. At the same time, the Commission should reiterate its call for the restoration to the Palestinian people of their inalienable and legitimate right of self-determination, including the right to establish their own State. His delegation strongly urged all States and international organizations to extend full support to the Palestinian and Arab peoples under Israeli occupation.

78. Mr. ARMALIE (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that the Commission was used to Israel's lies and distortions, but the observer for Israel seemed to have exceeded all bounds at the current session. He was reminded of a tactic used by Goebbels: the bigger the lies, the more likely they were to be believed. Fortunately, delegations were aware of Israel's tactics and the truth spoke for itself. The Zionist representative had wept crocodile tears over the innocent victims of the civil war in Lebanon, yet that war, all previous civil wars in Lebanon and indeed all the troubles of the Arab peoples', especially the Palestinian people, had been caused by the practices imposed by Israel on the Palestinian people ever since 1948.

79. He would not comment on the Israeli statement that the Sabra and Chatila massacres had been a settling of scores between Lebanese Christians and Palestinian Moslems. He would simply remind the Commission that Israeli public opinion had itself accused the Israeli Government of complicity in the preparation for, and even execution of, the massacres. The findings of the Israeli commission of inquiry into the massacres had been well publicized and, although its work was not yet complete, that commission had already pointed an accusing finger at Menachem Begin, Ariel Sharon and Itzak Shamir.

80. He also wished to refer to a statement by Camille Chamoun, former President of Lebanon and current head of the Israeli-protected Lebanese Christian Front, which had been reproduced in Le Monde on 1 February 1983: according to Mr. Chamoun, if any doubt had remained as to the duplicity of the Israeli Government, Ariel Sharon had dispelled it by providing irrefutable proof that Israel was pursuing its own interests and no one else's in Lebanon, to the detriment of Lebanon's sovereignty and territorial integrity.

81. Mr. SAKER (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that his delegation would make its statement on items 4 and 9 at the following meeting but wished to respond to some of the comments made by the observer for Israel, who clearly could not tolerate the accusations levelled against his country. No one knew exactly what had happened at Sabra and Chatila, but the observer for Israel had been lying when he had accused Syria and the PLO of genocide against the Lebanese Christians. Syria did not discriminate between Christians and Moslems. Its delegation to the Commission comprised both Christians and Moslems, while the PLO delegation was made up entirely of Christians. Neither Syria nor the PLO would ever oppose a Christian or a Jew on the grounds of his religion, but they did oppose the human rights violations perpetrated by the racist and repressive Zionist Government.

82. The CHAIRMAN announced that the informal working group of 10 members to be set up pursuant to Commission resolution 1982/40 to consider the possibility of rationalizing the Commission's agenda would consist of the following States: Argentina, Australia, Cuba, India, Ireland, Japan, Senegal, Union of Soviet Socialist Republics, United Republic of Tanzania and Yugoslavia.

The meeting rose at 1.05 p.m.