



SUMMARY RECORD OF THE 32nd MEETING

Chairman: Mr. NOWORYTA (Poland)

later: Mr. NOGUES ZUBIZARRETA (Paraguay)

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AGENDA ITEM 77: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 77: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES
(continued) (A/43/694, 557, 558, 559, 560, 608, 609, 636)

1. Mr. MAKSOUD (Observer for the League of Arab States) said that the excellent report of the Special Committee documented in great detail the practices and violations of the Israeli occupying authorities in the Arab and Palestinian territories. The question of the Israeli occupation continued to appear on the agenda each year despite the United Nations and Special Committee's repeated appeals to Israel.
2. The occupying authority saw Golan, the West Bank, the Gaza Strip and Jerusalem not as occupied territories, but as possible sectors of its Ha'aretz, and thus laid claim to them by establishing more and more illegal settlements, which were major obstacles to peace.
3. The Special Committee's latest report was also of major importance in referring to a new development, namely, the Palestinian people's clear and outright rejection of the Israeli occupation and practices. It referred to the intifadah, the uprising of the Palestinian people which, as the document showed, had revealed the worst aspects of the racist, fascist and inhuman practices employed by Israel in order to repress the Palestinian people and prevent it from exercising its human rights.
4. As a result of the uprising, the international community had been made aware of the true nature of Israeli practices and violations. The information media had been unable to continue concealing the true aims of the Israeli occupation and had reported regularly on the nature and scale of the violations and, in particular, on Israel's objectives. Those practices had not only revealed the worst aspects of the Israeli system, but had also highlighted the Jewish values of humanism and sensitivity to suffering.
5. The Palestinian people, all the Arab peoples and members of the Committee had been informed of Israeli practices. Nevertheless, the attitude towards them had been quite tolerant and the reports, although well documented, did not indicate any reaction to that tendency to tolerate the Israeli occupation, nor had the necessary measures been adopted to put an end to that occupation.
6. The uprising had aroused world-wide sympathy for the Palestinian people and had boosted its confidence. Consequently, the report should be distributed widely, not only to Governments, but also to interested organizations, information centres and mass media throughout the world.
7. The uprising had made history and had shown Israel in its true moral light. The current session and the Special Committee's report had coincided with one of the political consequences of the Palestinian uprising, namely, the declaration of

(Mr. Maksoud, Observer, League
of Arab States)

an independent State by the Palestine National Council. The declaration marked a historic turning point in that it restricted any attempt at annexation or expansion by Israel beyond its 1967 borders and reaffirmed the right of the Palestinians to a national identity, a national State, an independent State and the right to equality. Consequently, a requisite for any peace initiative must be Israel's recognition of itself as an occupying Power rather than a rightful claimant. That was the essence of the question facing the United Nations.

8. The available evidence should serve not only to bring the situation to the international community's attention, but also to transform an ethical into a concrete issue. The ethical issue was the human rights of the Palestinian people at the national level; the concrete issue was the Palestinian State, which was still under occupation. The proclamation of the independent State of 15 November 1988 had received wide official and legal support throughout the world, thus confirming its legitimacy. The declaration had been clear and unequivocal, but had nevertheless raised doubts, particularly in the United States of America and, to a lesser degree, in other Western countries. The reaction of the United States Government to the Palestine National Council's declaration of independence had been most disappointing. It had obviously misread that historic document or had chosen to interpret it in a way that allowed its judgement and policy to appear not to differ too much from the belligerent and intransigent Israeli reaction. That was unfortunate because it signalled a readiness to impede the implementation of the serious measures adopted by the Palestinian people, through its legitimate representative, with a view to making an objective and rational contribution to peace in the Middle East. It also signalled to Israel that the more extreme and aggressive its policies, the more the United States would hesitate to express a view and to act objectively with regard to the Palestinian question. It was unthinkable that the tantrums and paranoia of Israel should prevent the United States from developing a clear and coherent policy.

9. Israel challenged the authority of the Council and from the outset had excluded the possibility of negotiations, except on its own terms. As to the attitude of the United States, it was difficult to explain its asymmetrical treatment of the obvious moderation and conciliatory spirit of the Palestinians, as revealed in the declaration of Palestinian independence and the political platform of the Palestine National Council, while at the same time it made no objection or specific official comment regarding the outright rejectionist policy of Israel. That asymmetry in the United States Government's treatment of the declaration of the independent State of Palestine was beyond comprehension.

10. He failed to see the so-called "ambiguity" in the Palestinian documents. The right of the Palestinian State derived from General Assembly resolution 181 (II), which had created Israel and sought to establish its national patrimony in the territory occupied by Israel in 1967. Nor was there any ambiguity or contradiction in the fact that the Palestinian State sought to ensure that Security Council resolutions 242 (1967) and 338 (1973) did not preclude the Palestinian right to self-determination, including the right to establish an independent State. The

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contradiction arose with the acceptance of Israel's interpretation, which allowed it to assert its compliance with resolution 242 (1967) and at the same time to mutilate, by its practices, the demographic character of the occupied Palestinian and Arab lands by the proliferation and expansion of its settlements, the annexation of territories and the systematic violation of every tenet of the Geneva Convention applicable to occupied territories.

11. Finally, the declaration of the Palestinian political programme clearly eschewed terrorism in all its forms. He wondered whether describing those documents as "ambiguous" was simply a pretext for delaying further the universal recognition of the PLO and whether the Palestinian people's insistence on exercising its inalienable right to resist Israeli occupation was considered the element that rendered the Palestinian denouncement of terrorism unclear, ambiguous and equivocal. He also wondered whether the United States Government regarded resistance to Israeli occupation as terrorism.

12. The declaration must be regarded as central to saving the chances of peace in the Middle East. It represented a sincere offer of reconciliation by the Palestinians. Without recognition by all States, the international community would be faced with an unfortunate polarization, and it would be impossible to achieve the world peace that had long been taking shape. In that spirit, not only would the International Day of Solidarity with the Palestinian People be celebrated in the coming week, but representatives of the Palestinian people and Palestinian State at the highest level would present the declaration to the United Nations, and the world would witness the birth of the nation and beginning of a new era. The States Members of the United Nations must help to attain that objective, otherwise, in 1989, the Committee would be presented with a more voluminous report and the uprising in the territories would be intensified. He expressed the hope that the new State would contribute to the achievement of a legitimate and lasting peace in the Middle East.

13. Mr. MANSOUR (Yemen), also speaking on behalf of Democratic Yemen, said that, on reading the report of the Special Committee (A/43/694), all delegations would understand the sufferings of the Palestinian people in their usurped territory, which had occasioned indignant repudiation on the part of the representatives of the international community, without any distinction on the basis of political, social or ideological systems. International public opinion had condemned, as blatant violations of the Universal Declaration of Human Rights and the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, the practices detailed in the report: arbitrary detention without trial of hundreds of persons, deportations, expulsions of citizens, beatings of the elderly and helpless women in places of worship, cordoning off villages and cities over protracted periods, shootings of children and youths, instruments of defenestration, closings of schools, interruption of medical services, prohibiting ambulances from entering camps to evacuate the injured to take them to hospital, etc.

(Mr. Mansour, Yemen)

14. The problem dated back to the ill-fated Balfour Declaration and the establishment in one part of the Palestinian territory of an artificial Jewish State, which had constantly defied international opinion with a policy based on violence, aggression, expansion, colonization and settlement. In four decades the Jewish State had occupied the rest of Palestine, namely, Gaza, Cisjordan and the Holy City of Jerusalem, as well as other Arab territories, on the pretext of security concerns. The two Yemens condemned those practices and believed that the international community must now, with greater cause, adopt measures to ensure an Israeli withdrawal from all the occupied territories and allow the Palestinian people to exercise its inalienable national rights.

15. Recent events in the occupied territories had clearly demonstrated that the policy of occupation, colonization and repression had not been able to guarantee the security of the occupier or weaken the will of the Palestinian people to resist occupation and fight, unarmed, for a just life in its territory. The heroic Palestinian uprising, which had continued to intensify since December 1967, showed once again that the question of Palestine was at the heart of the Middle East conflict.

16. On behalf of the two Yemens, he affirmed that an Israeli withdrawal from the occupied Palestinian and Arab territories to enable the Palestinians to exercise their inalienable rights to return, to self-determination and to establish an independent national State in their national territory was essential to a just and lasting peace. Accordingly, the two Yemens recognized the independent Palestinian State, in accordance with the resolutions adopted by the Palestine National Council at its nineteenth session, held recently at Algiers.

17. The statements made at the current session of the General Assembly confirmed the general view that the uprising of the Palestinian people was a natural response to occupation and repressive practices over many years of occupation, in view of which the two Yemens trusted that such international unanimity and the current state of international détente would facilitate progress towards a comprehensive and lasting solution of the conflict through the convening of an international conference on the Middle East under the auspices of the United Nations and with the participation of all interested parties, including the PLO, the sole legitimate representative of the Palestinian people.

18. Mr. GBEHO (Ghana) said that unless the international community spoke out on the critical situation in the occupied territories and helped to define an acceptable consensus on the urgent action required to normalize the situation, international peace and security could be seriously prejudiced in the immediate future.

19. The report of the Special Committee was quite clear, but, as in previous years, it was to be expected that Israel and its allies would dismiss it as not offering direct evidence. Bearing in mind that Israel had once again refused the drafters of the report access to the occupied territories, the report represented the best effort possible in the circumstances and there was no valid reason to impugn it.

(Mr. Gbeho, Ghana)

20. Despite United Nations resolutions on the question of Palestine, the situation in the occupied territories had deteriorated over the years until the current crisis had developed, bringing untold hardship and suffering to the Palestinian population. Repeated appeals by the international community for the withdrawal by Israel of its army from the occupied territories had foundered on Israeli intransigence. Neither had the situation been helped by the ambivalent attitude of some countries that were uniquely placed to exert pressure on Israel to adopt a more flexible position. In fact Israel had increased its use of violence and had embarked on the systematic annexation and colonization of the Palestinian and Arab territories it had occupied since 1967, which constituted a flagrant violation of the Fourth Geneva Convention. There was thus little cause to wonder at the outbreak of the intifadah in the occupied territories or the recent declaration of Palestinian independence by the PLO.

21. His delegation was shocked by the Israeli atrocities in the occupied territories revealed by the Special Committee's report: since the outbreak of the intifadah, indiscriminate shootings and beatings had caused heavy casualties among the Palestinian population, including women and children. There had also been an unprecedented increase in detentions, including of minors. Further, a fact-finding team of United States physicians which had visited hospitals in the occupied territories earlier in the year had stated that the countless wounded constituted proof that the beatings and other forms of violence could not be considered deviations or aberrations, but that they were becoming the norm. As shown by the Special Committee and confirmed in the international press and on television, violence and repression in the occupied territories had assumed a dimension never before reached in the 21 years of Israeli occupation. It could only be concluded that the objective of Israeli policy in the occupied territories was the systematic expulsion of the Palestinian population and their liquidation in their own land, which thus violated the Universal Declaration of Human Rights and other relevant international covenants and must be deemed contrary to international law.

22. His delegation agreed with the Special Committee that the occupation in itself constituted a violation of human rights, and totally rejected Israel's contention that the occupied territories formed part of Israel and that the establishment of colonies and the resettlement of Israeli citizens in the occupied territories did not constitute a process of annexation. Moreover, Israel's attitude towards the Palestinians represented a flagrant violation of its international obligations as a State party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, under which military occupation was to be considered a temporary, de facto situation. The Israeli authorities should therefore end their occupation as soon as possible and allow the Palestinian people to decide its own destiny, and should halt the forcible transfers and expulsions of Palestinians.

23. Since the establishment of the Special Committee in 1968, the Israeli authorities had never co-operated with it in the discharge of its mandate, as a result of which the Special Committee had not been able to visit the occupied territories to collect first-hand information and had had, since 1968, to rely on secondary sources. His delegation took the opportunity to urge the Israeli

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authorities, if they had nothing to hide concerning their practices in the occupied territories, to co-operate fully with the Special Committee in the discharge of its mandate. Further, the press censorship imposed in the occupied territories should be lifted in order to allow foreign journalists to visit the territories and inform themselves of the human rights situation. Moreover, his delegation deemed unwarranted the wanton harassment by the Israeli military authorities of the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the International Committee of the Red Cross and other international organizations and governments which had been working tirelessly to provide essential services to the population of the occupied territories.

24. In view of the intensity of the uprising in the occupied territories and its horrifying consequences, his delegation fully endorsed the Special Committee's proposal that urgent measures should be taken to prevent a further deterioration in the situation and to ensure effective protection of the basic rights of the civilian population in the occupied territories, which, in the long run, could only be attained by the negotiation of a just and durable settlement of the Arab-Israeli conflict, at the core of which was the question of Palestine.

25. The Secretary-General of the United Nations, in his report on the work of the Organization, had also stated that the international community, led by the Security Council, should promote an effective negotiating process so as to reach a solution that would secure the interests of both Israelis and Palestinians.

26. In the light of the daily progression of the uprising, the major objectives of which were an immediate end to the Israeli occupation and recognition of the right of Palestinians to establish their own Government free from outside interference, and in view of the recent Palestinian Declaration of Independence by the Palestine Liberation Organization (PLO), which had already been recognized by many countries, his delegation appealed to the permanent members of the Security Council and to the friends of Israel to make preparation without delay for the convening of an international conference on the situation in the Middle East. To do otherwise could spell disaster not only for the population of the occupied territories, but also for the entire Middle East region and for international peace and security.

27. Mr. MOUSHAITI (Libyan Arab Jamahiriya) said that his delegation had carefully studied the report of the Special Committee (A/43/694); he drew attention to the lack of co-operation which had characterized the conduct of the Zionist entity and which showed its contempt for the United Nations and for the resolutions of the international community.

28. Such conduct reflected the intrinsic character of the Fascist and racist military régime based on zionism, the enemy of the good and of peace, which regarded all of the occupied territories as being part of the "promised land", lacking established frontiers and extending, according to Ariel Sharon, "hero" of the Sabra and Shatila massacre, as far as the last Zionist tank could reach.

29. Twenty years had elapsed since the establishment of the Special Committee, which had submitted 20 reports on the Zionist terrorist practices in violation of

(Mr. Moushaiti, Libyan Arab
Jamahiriya)

human rights in the occupied Arab and Palestinian territories. In spite of that, the populations of those territories continued to live under oppression, colonialism, indignity and repression, and to endure constant suffering and innumerable human and material losses as a result of the "iron-fist" policy. On the pretext of maintaining public order, that policy, included murder, torture, beatings, collective punishments, the closing of schools and universities, rigid restrictions on freedom of movement, the burning of crops and economic blockade, as well as assaults and the demolition of houses. Added to that were the collective administrative detentions without trial, accompanied by physical and psychological tortures, without distinctions as to age or sex, in detention centres which lacked basic sanitary facilities and which, like Ansar 3, could be compared to Nazi concentration camps.

30. All of those practices reflected the Zionist entity's scorn for the local population and its disregard for the will of the international community, as shown by its lack of respect for any of the international instruments applicable to the occupied Arab and Palestinian territories, such as the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the Universal Declaration of Human Rights, the Charter of the United Nations and the Hague Conventions.

31. If the international community did not take a clear stand and implement its resolutions, forcing the Zionist and racist entity to respect them, the evils caused by Zionist rancour would affect not only the Arab and Palestinian people but all of mankind, since, as it was worth recalling, the terrorist Shamir had said in the recent election campaign that he was prepared to launch a nuclear war if a Palestinian State was established.

32. His country reiterated its total support for the glorious uprising of the heroic Palestinian people, which reflected its determination to continue the struggle, under the leadership of the PLO, until liberation with the establishment of a sovereign and independent State and the exercise of all of its inalienable national and political rights.

33. Mr. AL-ZAYANI (Bahrain) said that since June 1968, Israel had continued to apply its policy of domination and oppression throughout the occupied Arab and Palestinian territories, ignoring the many resolutions of the General Assembly and the Security Council calling for an end to those practices, which constituted a violation of fundamental human rights and international law.

34. The report of the Special Committee (A/43/694) covered a period in which a massive uprising had occurred in the occupied territories, a result of the explosive situation created by the illegal occupation, as the report of the previous year (A/42/650) had warned. The occupation had entered a stage of unprecedented violence and repression.

35. He drew attention to paragraphs 319 to 332, 335, 358, 376, 377, 383 and 619, describing the practices of the armed Israeli settlers against the Palestinian

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population. The settlers acted without any control by the military authorities or with their blessing and co-operation, and in some areas the real power was in their hands. He further underlined the deplorable conditions of detention in Israeli jails which were described in paragraphs 528 and 529, and the daily sufferings of the Palestinian population, referred to in paragraphs 333, 334 and 337, as a consequence of the measures adopted by the occupation forces.

36. All attempts by Israel to suppress the uprising had failed, because the will of the people could not be silenced and because the uprising was a living expression of the struggle of the Palestinian Arab people against an occupation which in itself constituted a violation of human rights. The situation in the occupied territories had revealed the falsehood of the national security claims with which the Israeli authorities shielded themselves in order to maintain the occupation. The heroic Palestinian people had been able, with the scarce means at its disposal, to achieve a glorious victory, which his country's Minister for Foreign Affairs had described as a historic landmark in his speech to the General Assembly on 5 October 1988.

37. The "iron-fist" policy, repression, the denial of freedom of movement, the demolition of houses, administrative detention and collective punishments had so far proved ineffectual in dealing with the uprising, which reflected the will of the Palestinian people to exercise its inalienable rights, especially its right to self-determination and to establish an independent State in its homeland.

38. His delegation supported the uprising of the Palestinian people, as well as the decisions of the Palestine National Council at its meeting held in Algeria from 12 to 15 November 1988, and the Palestinian Declaration of Independence, which had been recognized by his country's Minister for Foreign Affairs on 15 November 1988.

39. Mr. CHAVUNDUKA (Zimbabwe) said that while the current year had been marked by breakthroughs in the resolution of regional conflicts in many parts of the world, the situation in the Middle East continued to deteriorate rapidly, since Israel continued to disregard the human rights of the population in the occupied territories with its "iron-fist" policy. He commended the efforts reflected in the report of the Special Committee (A/43/694) and its comprehensiveness, despite the Israeli régime's refusal to co-operate. In addition to murders, arbitrary detentions, expulsions and deportations, the population of the occupied territories was subjected to a settlement programme designed to change the demographic composition of those territories. The means used (the expropriation of Arab properties, the illegal demolition of houses and the imposition of economic sanctions, such as the cutting off of supplies of water, electricity and food) clearly indicated that the Israeli Government was trying to intimidate the population; it was closing universities and schools for months and obstructing health-care programmes.

40. His delegation applauded the popular uprising against Israeli brutality and repression. Despite the deaths and injuries, the Palestinians retained their fighting spirit. The proclamation of the independence of the State of Palestine on

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17 November 1988 should be a source of inspiration for the Palestinians in the occupied territories. The Movement of Non-Aligned Countries was of the opinion that if the Palestine National Council had accepted the United Nations resolutions on the question of Palestine, including Security Council resolution 242 (1967), Israel and its allies, for their part, should agree to the early convening of an international peace conference on the Middle East with the participation, on an equal footing, of the PLO, the sole legitimate representative of the Palestinian people.

41. Mr. GORDON (Israel) said that based on media images and the statements of many delegations, the riots in Judea, Samaria and the Gaza District might appear peaceful. However, the rioters' violence against innocent persons and Israeli civilians hardly resembled a demonstration. Their purpose was to prevent dialogue, obstruct negotiations and undermine Israel. Quoting two Palestinian leaders, he said that the long-term objective of the Palestinians was to claim the entire territory as part of a phased political programme. He referred to the "Islamic Jihad" and the Islamic Resistance Movement in the same light. Similarly, the constitutional documents of the PLO stated that the State of Israel should be destroyed and replaced by a Palestinian State.

42. Explaining the position of his Government on the recent meeting in Algiers, he said that the PLO had not changed its basic character, its charter, its policy or its adherence to terrorism. The Declaration of the Palestine National Council was aimed at misleading world public opinion, but the PLO continued to be the main stumbling block to peace. It was therefore essential that countries should neither support nor recognize any of its declarations. The Algiers resolutions seemed to have complicated favourable prospects for a solution, for they violated the essential prerequisite that no unilateral step could be substituted for a negotiated settlement. With the so-called "Declaration of Independence" it had become apparent that resolution 242 (1967) had not been accepted, Israel had not been recognized, and terrorism had not been abandoned, judging from indications of what might be expected to take place. Indeed, the inherent balance of resolution 242 (1967) had been distorted and terrorism legitimized in Israel and the occupied territories.

43. Palestinian extremists were not alone in dreaming of destroying Israel. Saudi Arabia and other Arab countries shared that position, to the point where they could not even bring themselves to pronounce the correct name of his country. Some drew a comparison between zionism and Israel, on the one hand, and racism and nazism on the other. Reviewing the historical background, he denounced the inconsistency of those who had tried to drive Israel into the sea and returned every year to the United Nations to complain about consequences they had brought upon themselves.

44. Violence was fed not only by the desire to destroy Israel, but also by the existence of refugee camps, which were comparable to ghettos and slums. The residents of the camps had been consigned to that fate by decision of their own brothers, who had rejected every United Nations project to resettle those

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populations. Hence, the refugees were being exploited by their own brothers. Neither could the situation be viewed in isolation from the general regional context. The Iran-Iraq war and events in Lebanon were examples of an epidemic of extremism, fanaticism and violence afflicting the Middle East.

45. Mr. HOSSEINI (Islamic Republic of Iran), speaking on a point of order, said that the item under consideration by the Committee was Israeli practices affecting the human rights of the population of the occupied territories and the representative of Israel should not stray from it.

46. Mr. GORDON (Israel), continuing his statement, cited examples of violence in Arab and Middle Eastern countries. In those countries, the concepts of human rights and democracy were non-existent. The police lost no time in using drastic methods at the slightest signs of that epidemic - in other words, of violence. And yet, the uprisings there elicited no reaction from either the media, Governments or international organizations. The PLO was posing as a protector of human rights when it came to the situation in the territories, but not when it came to countries such as Syria or Algeria. Israel was governed by an independent and impartial legal system and by democratic institutions in a democratic society. The loss of human life was certainly regrettable, but in the face of unjust accusations hurled against it, his delegation appealed at the United Nations for an end to the violence and for negotiations to take place. Israel would not yield to violence.

47. There had been a great deal of misleading information about measures taken by Israel to stem those attacks, riots and murders. Israel had also been accused of deliberately confronting women and children. For over 11 months, the instigators of the riots had not hesitated to encourage the participation of women and children and, regrettably, some had been hurt in the ensuing violence. Those who condemned Iran for sending teen-age "volunteers" to fight Iraqi troops in the Iran-Iraq war should also condemn leaders who induced teen-agers to attack civilians and soldiers in Judea, Samaria and Gaza.

48. Mr. HOSSEINI (Islamic Republic of Iran), speaking on a point of order, said that the speaker was attempting to divert the Committee's attention from the crimes committed against the Palestinian people and should keep to the agenda item under consideration.

49. Mr. GORDON (Israel) said that Israel was accused of obstructing medical treatment in the territories and violating places of worship. However, the instigators of the riots were the ones who had attacked hospitals and stored weapons in mosques.

50. In response to accusations that Israel closed schools in the administered territories and hindered academic freedom, he said that Israel had always promoted the development of educational institutions in the territories and that since 1967, it had been responsible for the establishment and maintenance of five universities in the area. However, when those institutions were used as bases for co-ordinating and initiating riots and fomenting violence, the Israeli authorities had to take

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appropriate steps. As for academic freedom, Israel also had the duty to counter agitation and, in that regard, it had prohibited specific literature.

51. Israel was accused of using excessive and arbitrary force in order to restore order to the territories. In that connection, referring to article 64 of the fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War and article 43 of The Hague Conventions of 1907, he said that Israel sought to use maximum restraint in maintaining order. Soldiers used firearms only as a last resort and only when their lives were in danger. The use of plastic bullets, which were not intended to kill, had been approved with strict guidelines. Their purpose was not deterrence through injury, as had been claimed, but rather the dispersal of violent rioters. There had been cases of deviation from orders and in each of those cases, following investigation, appropriate steps had been taken in order to ensure that they did not recur. In particularly difficult instances of violence, curfews had been declared. However, despite claims to the contrary, there had never been any food shortage during those curfews, as had been confirmed by the International Committee of the Red Cross.

52. Israel was also accused of violating the civil rights of suspected agitators, particularly their right to due process. Those residents of the territories who were suspected of having committed security offences were dealt with in accordance with international law and the humanitarian provisions of the Geneva Conventions. Trials before military courts were held in accordance with the procedures and rules of evidence obtaining in the courts of Western States. Every suspect had the right to be represented by an attorney of his choice.

53. At times it had been necessary to resort to administrative detention. The legal provisions authorizing it were in conformity with article 78 of the fourth Geneva Convention, which explicitly recognized the legality of imposing administrative detention for security reasons. The correct number of administrative detainees as at 14 November 1988 was 1,509 persons. Such detention was not intended as punishment for violations committed, but rather to prevent the perpetration of illegal acts by the individuals concerned.

54. It was important to note that under a special agreement with the International Committee of the Red Cross (ICRC), ICRC representatives were permitted to visit detainees within 14 days of arrest and at regular intervals thereafter. ICRC doctors were permitted to examine any detainee who complained of improper treatment. Examinations were performed in private and a copy of the medical report was delivered to the Israeli authorities. ICRC also served as a channel for transmitting to the authorities complaints of maltreatment made by detainees.

55. In 32 serious cases, expulsion orders had been issued in accordance with the relevant procedure; the persons affected by those orders could appeal to an advisory committee and ultimately to the Supreme Court. It was frequently asserted that those actions were in breach of article 49 of the fourth Geneva Convention; that claim, however, was unfounded. That article did not refer to cases of the expulsion of specific agitators for the purpose of restoring public order or where

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the alternative would necessarily be to place such persons on trial and to impose severe sentences. In that context, he did not know of any case in which capital punishment had been imposed, even for the most heinous crimes perpetrated in connection with the recent disturbances or with Arab terrorism.

56. The report of the Special Committee (A/43/694) could be compared to a platform put at the disposal of unmitigated extremist anti-Israel propaganda. As everyone knew, Israel had a free press and it seemed that the authors of the report, by selectively gathering articles from the Israeli press that were critical of one action or another, had collected "evidence" only to confirm predetermined conclusions and had taken the liberty to "interpret" and distort Israeli press reports. In the report of the Special Committee, those had been represented as "summaries" of the Israeli press.

57. The Special Committee had also gathered testimony from special witnesses, some of whom were active members of terrorist organizations who had been apprehended and were in prison for murdering soldiers and civilians. They then attacked Israel from the offices of the Special Committee in Arab capitals or in Geneva with the lies which the Special Committee presented to the General Assembly. The use of the term "witness" was misleading. In that case, the so-called "witnesses" were interested in proving certain conclusions, not in finding the truth. If a witness lied, he was not punished, but praised. Instead of lodging complaints with the competent Israeli authorities, which scrupulously investigated each complaint and, when it was justified, took measures against those responsible, those witnesses reported horror stories to the media and representatives of international organizations not to reveal the truth, but to harm Israel. The Special Committee also quoted a number of "anonymous witnesses" who relayed information about Israeli torture and brutality. They omitted names, dates and places, which, no doubt, in their minds were irrelevant details.

58. An example of the techniques followed in the report could be found in annex I, which consisted of a detailed list of names, dates and places where Palestinians had reportedly been killed during the recent violence and which had been provided by no less a guarantor of truth than the PLO. According to that list, the number of Palestinians killed up to 30 June 1988 was 312. At the same time, another United Nations report submitted to the Special Political Committee gave the figure of 211 up to the same date. [Report of UNRWA (A/43/13), p. 14.] The contradiction between the two figures, both of which were wrong, would be eliminated by a single vote through an overwhelming automatic majority.

59. Even more remarkable were the contradictory lies presented, not in two separate reports, but in one report, that of the Special Committee. Paragraph 337 contained the testimony of an anonymous witness who said that the new identification cards which had been issued to the inhabitants of the Gaza District were of three colours: green for dangerous leaders of the violence in the area, blue for those that did not pay taxes, and red for civilians in the most dangerous category. Another witness, in paragraph 431, provided the information that the new identity cards varied according to the regions where their bearers resided and that

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"certain marks" indicated a security rating. The truth was that those two testimonies presented by the Special Committee not only contradicted one another, but were both figments of the imagination.

60. But the report not only contained false testimony. It even went so far, regrettably, as to support the use of violence. Paragraph 142 stated "For the first time since the beginning of the uprising, protesters used firearms in the Gaza Strip, when a road mine was activated as a security vehicle drove by".

61. The Special Committee attributed to two Israeli daily newspapers, Ha'aretz and Jerusalem Post, the use of the word "protesters" to describe the perpetrators of the attack. That was not true. The word "protesters" did not appear in the two newspapers: it was the invention of the Special Committee. Those who had placed a mine under a road were not "protesters". Those who had lain in ambush nearby and opened fire on the occupants of the vehicle when the mine had blown up, were not "protesters". They should be called "perpetrators", "murderers", but not "protesters". It was very sad that the Special Committee should have resorted to such techniques.

62. In conclusion, he stressed the futility of the current violence, which led nowhere. On the other hand, Israel remained willing to negotiate concerning peace and the future status of Judea, Samaria and the Gaza District as well as of the Palestinians living there.

63. Mr. HAMADNEH (Jordan), speaking in exercise of the right of reply, said that the representative of Israel had tried to depart from the agenda item, the report of the Special Committee to investigate Israeli practices affecting the human rights of the population of the occupied territories, which was a very clear item, and had ignored the following questions.

64. Israel was an occupying State and the representative of Israel could not deny that fact. Israel must halt its occupation in accordance with the United Nations resolutions.

65. The Territories occupied by Israel were subject to the provisions of the 1949 Geneva Convention, which defined the rights of the occupier. In confiscating land and setting up settlement colonies Israel had exceeded those rights. The occupation authorities were carrying out a repressive policy against the civilian population.

66. All delegations could clearly distinguish between foreign military occupation of the territory of other States and the domestic affairs of States. The representative of Israel depicted the situation in the occupied Territories as if they were idyllic. Foreign occupation could never be idyllic. Through its uprising, the Palestinian people was confronting the Israeli occupation in order to be able to exercise its national rights and return to its territory, like any people subjected to colonization.

67. The representative of Israel had spoken about the so-called discipline of the military occupation authorities. What had taken place in the village of Beta was

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(Mr. Hamadneh, Jordan)

an example of such discipline: after the death of an Israeli girl, the Israeli occupation authorities had killed several youths, destroyed trees, deported a number of young people and systematically destroyed the village. After two days, the investigation had revealed that the Israeli girl had died from an Israeli shot. Other villages and other Palestinian camps had been subjected to collective punishment purely and simply because they rejected the occupation.

68. In the peace camp, the Arab States and the PLO had stated that they accepted the principle of a political solution to the conflict. They had also accepted all constructive international resolutions and initiatives aimed at bringing about a just and lasting political solution. Nevertheless, he wondered what the Israeli attitude was with regard to the process of bringing just and lasting peace to the region. What would it choose: peace or the continuation of the current situation, the occupation of the Arab territories, the establishment of new colonies and settlements, in other words, the faits accomplis.

69. Mr. SHIHABI (Saudi Arabia), speaking in exercise of the right of reply, said that the representative of Israel had endeavoured to stray from the issue under consideration and to present a distorted image of the daily practices in the occupied territories by making false statements about Israel's contribution to education, whereas in fact all it had done was to close schools and universities. He had also tried to play down the number of deaths which had occurred since the start of the uprising asserting that that was positive, but had not recognized the right of the Palestinian people to resist the military occupation.

70. It should be noted that, despite Israel's efforts to conceal information and to prevent journalists from entering the occupied Territories, the international community knew what the real situation was in those Territories, having seen the pictures disseminated by the mass media that clearly showed the constant violation of all the rights of the Palestinians by the forces of occupation, which could be called terrorists.

71. Mr. HOSSEINI (Islamic Republic of Iran), speaking in exercise of the right of reply, said that the Zionist representative had used the issue of the war between Iran and Iraq to level accusations against his country so as to divert public attention from Israel's practices in the occupied Arab territories, which was the question being considered. It was regrettable that the Israeli régime, one of the most repressive régimes in the world, had to resort to those means in order to conceal its past crimes and those which it was currently committing in its attempt to quash the glorious uprising of the heroic Palestinian people against the illegal occupation of its territory.

72. Mr. ABOU-HADID (Syrian Arab Republic), speaking in exercise of the right of reply, affirmed that the statements of the representatives of Israel, who did not hesitate to attack States which condemned Israel's practices in the occupied Territories, had always been characterized by their attempts to distort and to conceal the truth. However, it was truly shameful that Israel should endeavour to impugn the integrity of the Special Committee and to cast doubt on the validity of the conclusions contained in its report (A/43/694).

(Mr. Abou-Hadid, Syrian Arab Republic)

73. In accordance with the principles of international law and the definition of aggression contained in General Assembly resolution 3314 (XXIX), any military occupation constituted an act of aggression. Nevertheless, Israel denied that its occupation of the Arab Territories, and its concomitant policy of annexation, destruction of homes, expulsion of the population and persecution and torture of the inhabitants, constituted a violation of human rights, and it did not hesitate to extol its virtues, applying the philosophy of colonialism used by the Nazis, according to which colonization was to the advantage of the colonized peoples.

74. Given the Zionist entity's continuing disregard for the United Nations, and its refusal to desist from its practices or to co-operate with the Special Committee, the international community should adopt urgent measures with regard to Israel, including the imposition of sanctions under Chapter VII of the Charter, as it had with regard to South Africa. It was logical that the United Nations should treat Israel in the same way as South Africa, because of the discriminatory practices which both countries applied. In fact, the Zionists' objective was to establish population centres in economically important areas. As to the freedom of information of which the Israelis boasted, it would be interesting to know why the Palestinians could not be interviewed. He urged Israel to withdraw from the Territories and to let the Palestinians live in peace.

75. Mr. MAKSOUD (Observer for the League of Arab States), speaking in exercise of the right of reply, said that the international community was right whereas the isolated State of Israel was wrong. Moreover, Israel had distorted the information used in its statements. In that connection he cited the reports of such reliable agencies as the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). With regard to education, UNRWA had said that Israel should end its practice of closing centres of education in the occupied territories.

76. The suffering of the Palestinian people covered all sectors of society, from the farms to the schools. The Israeli occupation left the Palestinians two choices: they could either leave their land or confront the occupation, struggle and be independent. The Palestinian people had chosen to do the latter.

77. Concerning the declaration of the State of Palestine, over 50 countries had already recognized its existence and dozens of countries were preparing to do so. On 22 November 1988 the European Economic Community had issued a favourable statement in that regard. Israel was the only country to oppose the convening of a peace conference. The rest of the world was in favour of such a conference. He alluded indirectly to the United States of America, saying that its Government was preventing the convening of that conference.

78. The PLO wanted to see peace established on the basis of justice and was prepared to work towards it through negotiations. He requested that the conference should take place as soon as possible.

79. Mr. HAMMAD (United Arab Emirates), speaking in exercise of the right of reply, said that for the first time the delegation of Israel had not mentioned the fact, which had been reiterated on all previous occasions, that the Geneva Convention relative to the Protection of Civilian Persons in Time of War did not apply to Territory of Palestine and to other Territories occupied by Israel since 1967. That would seem to indicate either that the delegation of Israel had been guilty of an oversight or, perhaps, that Israel was applying the convention; if that were so, it would be cause for celebration. If Israel continued to maintain that the Geneva Convention did not apply in those Territories, there was a rule of law known as estoppel whereby, if a party to a dispute refused to accept a legal system, such as a treaty, it could not invoke articles or provisions of that treaty on its behalf. It had either to accept or to reject the treaty in its entirety. Therefore, the delegation of Israel had no right to invoke, as it had done, any of the articles of the Geneva Convention in order to prove the validity of its position.

80. Referring to Israel's accusation that the Special Committee's report was not based on information from direct sources, that the Special Committee had judged Israel in absentia and that, therefore, the report lacked credibility, he said that it was common knowledge that Israel had refused to allow the Special Committee to investigate the situation in situ, although it had repeatedly been asked to do so since the Special Committee was established in 1968. If Israel wanted the Special Committee to obtain direct information, it should allow the Special Committee to enter that country so that it could assess the situation on its own.

81. Mr. PERERA (Chairman, Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories) said that the Special Committee's report was based on information taken from newspapers, primarily Israeli newspapers, or from sworn statements made to the Special Committee and subsequently evaluated by it. The conclusions contained in the report had been based on that information and those affidavits.

The meeting rose at 6.35 p.m.