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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 February 1989, at 10.00 a.m.

Chairman: Mr. BOSSUYT (Belgium)

CONTENTS

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

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1989/2, E/CN.4/Sub.2/1988/38, E/CN.4/1989/4, E/CN.4/1989/5, E/CN.4/1989/6; A/43/694, A/43/806)

1. Mr. JAFAR (Saudi Arabia) said it was unfortunate that the Commission on Human Rights was once again obliged to deal with the question of the violation of human rights in the occupied Arab territories because of the disregard shown by the Israeli authorities and armed forces for the principles of the Universal Declaration of Human Rights, the Geneva Conventions and the resolutions of various United Nations bodies.

2. The State of Israel's will to expand had led it to meet the resistance of the Palestinian people with increasingly harsh and violent repression and to infringe all human rights, even the right to life, by engaging in slaughter, massacre and bombardments of civilians. All the crimes perpetrated by the Israeli forces to prevent the Palestinian people from founding an independent State on their national soil, under the leadership of the Palestine Liberation Organization was nothing short of a crime against humanity. At least 15 of the 30 articles of the Universal Declaration of Human Rights were being repeatedly violated by Israel, as were Security Council resolutions 605 (1987) and 607 (1988). The countless crimes committed against individuals and property were described in the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694 and A/43/806). Not all of them were listed there, however, because Israel had refused to allow the Special Committee to assess the situation at first hand.

3. United Nations agencies were trying to ensure respect for the law, but in the case of Israel they had not yet succeeded. He hoped that the Commission would adopt a very clear position on all Israel's acts of terrorism; at stake was the credibility of the United Nations, in which the international community must be able to place all its hopes of seeing the world governed by law and not by the law of the jungle.

4. Mr. JAYASINGHE (Sri Lanka) said that many new and important events had occurred since the proclamation in November 1988 by the Palestine National Council of a Palestinian State which had been recognized by a large number of nations, including Sri Lanka, and since the endorsement by the Council of a political declaration describing a detailed plan for a settlement of the Arab-Israeli conflict and the question of Palestine, through measures such as the convening of an international conference on the Middle East. Several countries had upgraded the missions of the Palestine Liberation Organization in their capitals and others had increased their contacts with the PLO by, for example, holding bilateral discussions at the highest political levels. For example, in 1988, the Government of the United States had announced its intention to begin a dialogue with the PLO.

5. However, the situation in the occupied territories had seriously deteriorated, as the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694) showed. In fact, the Israeli authorities were using brutal repression to quell the uprising of the Palestinian population, whereas

the latter had never at any time taken up arms. The deliberate policy of violent repression, attested to by the radio, television and press, had taken a heavy toll of dead and wounded, although the Israeli authorities claimed that lethal ammunition was not being used.

6. The occupying Power used not only force to crush the Palestinian population: freedom of education was very severely restricted, justice was being administered to the Palestinians in a summary way, the practice of collective punishment inflicted on the civilian population had continued unabated with houses demolished and exports disrupted, whilst the expulsions continued to be carried out despite Security Council appeals and reaffirmations of the validity of the Fourth Geneva Convention of 1949 in respect of the territories occupied by Israel.

7. Furthermore, Israel was continuing its policy of annexation and settlement, not only in Palestine but also in the Syrian Arab Republic where the civilian population has been subjected to repeated acts of aggression.

8. Despite all that, there was room for hope, because the population in the occupied territories continued, despite its trials, to fight heroically to exercise its rights and also because the pace of international diplomatic activity which had begun to increase at the end of 1988 was an indication that military force deployed against just causes did not endure. In that connection, the Commission had a very important role to play, and it should continue to highlight the denial of the inalienable rights of the Palestinian people, denounce the brutality of the occupation forces, and pay a tribute to the courage of the Palestinian people, thus acting as the conscience of the United Nations. The time had come to put an end to the martyrdom of the population of the occupied territories and to do so, all the bodies and agencies of the United Nations should be mobilized. The only way to a full, peaceful and a just settlement of the conflict was to organize, as a matter of urgency, an international conference, under United Nations auspices, with the participation of the PLO, the sole legitimate representative of the Palestinian people.

9. Mr. EL GHALI BENHIMA (Morocco) said it was unfortunate that at a time when radical changes were taking place in the world and when the two major world Powers had taken extremely important initiatives and where the untiring efforts of the United Nations, and especially its Secretary-General, had achieved results which led one to believe that there would be peace, the rule of law and security for all in the near future, an entire people continued to suffer treatment which shocked the international conscience. Far from heeding the appeals of the international community by respecting its resolutions, especially Security Council resolutions 605 (1987), 607 (1988) and 608 (1988), Israel had continued to intensify its repression, which claimed more victims every day. All the barbarous and criminal practices reported by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories and by several other agencies and organizations revealed that Israel was pursuing a systematic policy designed to reduce the Palestinian population to slavery and to pillage its resources. The torture, imposition of the curfew, encirclement of villages by the military, the use of toxic gas, attacks against places of worship and hospitals, the destruction of houses, collective punishment, expulsions, the destruction of crops and the closing of educational establishments had all been stigmatized by the international community, as well as, and, it was a

fact worth noting even by people within Israel, as violations of the Charter of the United Nations, of United Nations resolutions, of the rules of international law and of the Universal Declaration of Human Rights.

10. Israel was also employing harsh measures in the Syrian Arab Republic, where it was doing its best to judaize the Golan Heights. Lebanon had also become the setting for daily massacres backed by Israel, which was trying to divide the territory and the population. There again, Israel was in breach of international law and the international instruments for the protection of human rights. Nevertheless, it was vainly pursuing its aggression and its expansionist aims, because through the intifada, the sons of Palestine were proving that they would resist until they were free and a Palestinian State was built. That resistance should receive the support of all peace-loving peoples; it already received assistance from the Arab and from many other countries. Morocco had renewed its support for the activities of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people and stood side by side with them in their fight. Morocco was actively engaged in all forums with a view to making a Palestinian State a reality and it had therefore welcomed enthusiastically the proclamation made in November 1988.

11. Mr. BAKHTIAR (Pakistan) emphasized that under the leadership of the new Prime Minister, Mrs. Benazir Bhutto who, like almost all the members of her Government, had herself suffered long terms of imprisonment, Pakistan was more than ever committed to the cause of human rights throughout the world. Mrs. Bhutto had immediately ordered the release of some 2,000 political prisoners and commuted the death penalty into imprisonment in the case of 2,029 persons; therefore there was not a single political prisoner in Pakistan at the present time. Furthermore, all women prisoners, except those convicted for serious crimes, had been released.

12. For the United Nations, 1988 was a historic year. Several successes achieved through diplomacy and co-operation indicated that a peaceful settlement of disputes was a possibility; they had led to renewed confidence in the United Nations and had provided an opportunity to reaffirm a new commitment to the purposes and principles of the Charter. The international community was therefore justified in hoping for an early solution to the problem of Palestine. The crux of the Middle East problem was the denial of the inalienable rights of the Palestinian people, especially its right to self-determination and independence. Neither five wars, nor the dismissal of the rights of the Palestinians, the continuing use of force and terror and the repeated attempts at extermination, had enabled Israel to subjugate the Palestinian people, who had survived for over 40 years, at the price of incalculable suffering and sacrifice.

13. The Palestinian people and the leaders of the Palestine Liberation Organization had, however, made considerable progress towards settling a problem which had confronted the United Nations longer than any other. Since December 1987, the intifada which, as the United Nations Secretary-General had pointed out, was the direct result of the stalemate in the search for a peaceful settlement of the Arab-Israeli conflict, had once again shown that the Palestinians were determined to wrest their freedom and independence with their bare hands denied them by a heavily-armed enemy.

14. The proclamation of an independent Palestinian State by the Palestine National Council on 15 November 1988 was a major event. Pakistan had been one of the first countries to recognize the new State and recently, the PLO representation in Islamabad had been upgraded to the level of an embassy. Other new and important events included the implicit recognition of the State of Israel by the Palestine National Council, which had accepted Security Council resolutions 242 (1967) and 338 (1973) as well as the condemnation of terrorism in all its forms and the practical solution proposed by the head of the PLO.

15. The decision of the Government of the United States to enter into direct dialogue with the PLO should be welcomed as an important development in the quest for peace and security in the Middle East. It was to be hoped that the Israeli Government would soon understand that the time had now come to respond favourably to the peace process begun by Yasser Arafat.

16. Its obstinacy and its distorted view of its destiny and security had led Israel to create turmoil in the Middle East and to wreak havoc on the neighbouring countries. Israel's violations of human rights in the occupied Arab territories, on the West Bank of Jordan and the Gaza Strip had reached unprecedented proportions, and its implacable policy of repression and terror had caused hundreds of deaths and thousands of injuries, mass arrests and administrative detentions, collective and extrajudicial sanctions, not to mention the measures of deportation and expropriation or the abominable practice of destroying houses.

17. The Government of Pakistan strongly condemned Israel's policy of expansion and annexation, and it was deeply concerned at the continued occupation of the southern part of Lebanon, the persistent violations of the four Geneva Conventions of 1949, the desecration of the holy places, especially the Al-Aqsa mosque.

18. The international community should recognize its responsibilities towards the Palestinian people and all the machinery of the United Nations should be mobilized to end the conflict in the Middle East. Israel should realize that the peace process was irreversible. His delegation believed that the members of the Security Council, and particularly its permanent members, had a special responsibility to provide the impetus for convening an international peace conference, because as the United Nations Secretary-General had said with the support of the Security Council and in particular, the co-operation of the major Powers, progress could indeed be made towards a just and lasting peace in the Middle East.

19. The people of Pakistan had always had a strong feeling of commitment towards the Palestinian people and other Arab peoples because they were deeply imbued with the principles of the Charter of the United Nations and the universally recognized considerations of morality and humanity.

20. More than ever, it was evident that a just and comprehensive settlement of the conflict could only be secured through an international conference attended by all the parties involved, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people. A just, complete and lasting settlement must make provision for the withdrawal of Israel from all the occupied Arab territories, including Jerusalem and the exercise by the Palestinian people of its right to self-determination and to the establishment of a nation on its own soil.

21. Mr. KUCHINSKY (Ukrainian Soviet Socialist Republic) observed that the report of the Special Committee (A/43/694) and the report of the Secretary-General (A/43/806) on the question of the occupied Arab territories showed that the situation remained tense. The human rights situation in the region was not in conformity with the requirements of the Charter of the United Nations, the resolutions of the Security Council and the General Assembly and the Fourth Geneva Convention of 1949 as well as those of other instruments of international law. As stated in paragraph 610 of the Special Committee's report, a new phase had been reached in the evolution of the situation in the occupied territories, characterized by a level of violence and a repression never reached before in the course of the 21 years of occupation. In order to stop the intifada, which was the symbol of the heroic struggle of the Palestine people to obtain the right to a homeland, the Israeli occupation authorities were violating human rights in the most blatant manner.

22. The Ukrainian Soviet Socialist Republic was of the opinion that only an overall settlement of the Middle East situation could bring those violations to an end, but the essential condition for a settlement was the withdrawal of Israeli forces from the occupied territories. The proclamation of an independent Palestinian State, the decisive change in the PLO's position and its willingness to negotiate with Israel on the basis of General Assembly and Security Council resolutions, as well as the condemnation of terrorism, had created the necessary pre-conditions for a peaceful settlement of the problem. It was necessary to convene an international peace conference on the Middle East, at which a mutually-acceptable solution could be worked out to the Arab-Israeli problem, including the question of Palestine; such a solution should respect the right to sovereignty and self-determination of each people as well as the right of each to choose its mode of development. The Commission could contribute to such a settlement by supporting all the efforts made in that direction.

23. The Ukrainian Soviet Socialist Republic wanted to see a rapid solution of the problem which would ensure the restoration of the rights of a people whose suffering had lasted too long.

24. Mr. KHERAD (Observer for Afghanistan) recalled that the question of the violation of human rights in the occupied Arab territories, including Palestine, had always been given priority by the Commission. Despite repeated condemnations by the international community, Israel continued its policy of occupation, coercion, oppression and provocation, and that policy remained a source of constant concern for the international community. The documents referring to agenda item 4 in the report of the Special Committee contained overwhelming evidence of the worsening situation of the Arab and Palestinian civilian population and they revealed the full extent of the massive and systematic human rights violations in the territories occupied by Israel. The tragedy of the Palestinian people, who were driven out of their homeland and deprived of their national rights, was one of the most striking examples of the suffering that a people could endure. However, neither the continuing acts of aggression against the Palestinian people even in the countries where their exile had driven them nor the unrelenting repression to which they were subjected in the occupied territories had succeeded or would succeed in crushing their irrepressible desire for freedom. The intifada, now entering its second year clearly attested to their perseverance in asserting their

legitimate rights, including the exercise of their right to self-determination, and had led the entire international community to recognize at last the justification of their cause.

25. The crux of the Palestinian problem was the destiny of a people who, like all the peoples of the world, had fundamental rights which could not be alienated and which could neither be disposed of to others nor usurped. Although a consensus had formed in respect of recognition of those inalienable and imprescriptible rights both within the United Nations and elsewhere, particularly in the resolutions and declarations of the non-aligned countries, the legitimate demands of the Palestinian people had still not been met. It was the duty of the international community to bring its full weight to bear in order to bring the Israeli occupation of the Arab territories to an end so that the aspirations of the Palestinian people could be realized. A comprehensive and just settlement of the problem necessarily required the immediate, total and unconditional withdrawal of Israeli forces from all the territories occupied since 1967, the recognition of the sovereignty, the territorial integrity and the political independence of the States of the region and the full restoration of the imprescriptible national rights of the Palestinian people including their right to self-determination, national integrity, sovereignty and the establishment of their own independent State. The best negotiating machinery would be an international peace conference on the Middle East organized under United Nations auspices and attended by the five permanent Members of the Security Council and all the parties involved, including the PLO, the sole legitimate representative of the Palestinian people.

26. His delegation, which had unfailingly supported the just struggle being waged by the Palestinians under the leadership of the PLO, welcomed the resolutions adopted by the Palestine National Council in Algiers, affirming the PLO's commitment to continue its efforts until a peaceful, comprehensive and lasting solution was found to the problem of the Middle East. The Palestinian people was depending on support from the international community and expected the Commission to call upon Israel to cease forthwith its repressive activities and to shoulder its responsibility towards the Palestinian civilian population and the populations of the other occupied Arab territories.

27. His delegation reaffirmed its sympathy for the courageous fight of the peoples of the occupied territories, and was confident that they would soon put an end to the injustice besetting them and that their struggle would succeed.

28. Mr. RUBEIZ (Commission of the Churches on International Affairs of the World Council of Churches) said that among the more than 300 member churches of his organization, there was a commitment to respect the rights of both the Palestinian and Israeli peoples.

29. On 12 December 1988, the Secretary-General of the World Council of Churches, the Rev. Emilio Castro, had welcomed the declaration of independence issued by the Palestine National Council on 15 November 1988. In fact, the World Council of Churches, like the United Nations, considered that the Israeli occupation of the West Bank, Gaza and East Jerusalem, was illegal and must be terminated in order to allow a Palestinian State to be established. On the other hand, Israel should be guaranteed peace and security by all its neighbours and by the world community.

30. The repression by the Israeli authorities in dealing with the intifada since December 1987 was morally unacceptable and violated the Geneva Conventions of 1949. Furthermore, the severe measures taken by Israel and described in the Commission were bound to fail and were exposing Israel to increasing isolation.

31. The statement made by the Chairman of the PLO Executive Committee, Mr. Arafat, in December, accepting Israel as a neighbouring State and the expressed willingness of the majority of Israeli Jews to have their Government negotiate with the PLO were signs of a change. The start of a dialogue between the United States Government and the PLO was also encouraging. He thought that 1989 should be the year of a major breakthrough in the peace process in the Middle East. For that to come about, Israel would have to respond to the positive initiatives of the PLO and consider the establishment of a Palestinian State as a creative act rather than a danger. Mr. Abba Eban had said that for Israel whose defence system was "one of the wonders of the world" to regard a future Palestinian State as a threat would be "preposterous" (International Herald Tribune, 2 January 1989).

32. Furthermore, the occupation of the Palestinian territories was weakening democracy within Israel itself and the repressive measures against the intifada made Israel's democracy an unequal system of rights and privileges for two separate communities. Those measures had obviously made relations between Israel and its neighbours increasingly difficult. If the intifada and its repression should lead to an escalation of militarism on any side, such a trend should be viewed as being contrary to the will of the entire international community and discouraged.

33. The World Council of Churches had called for an international peace conference under United Nations auspices, with full representation by the PLO. Such an initiative had become more urgent than ever. As Mr. Philip Klutznick, Honorary President of B'nai B'rith International and of the World Jewish Congress had said: "Now is the time to make peace ... to talk".

34. Mr. SANZ (Pax Romana) recalled that the Commission had given the Palestinian question high priority in resolution 1988/1 A at its forty-fourth session. United Nations efforts on behalf of the Palestinians through the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the United Nations Relief and Works Agency for Palestine Refugees in the Near East were generally well known. In fact, the General Assembly had been dealing with the matter in one way or another since 1945. However, in recent months, public opinion had become increasingly aware of the desperate struggle of the Palestinians since the intifada had broken out.

35. The reasons adduced by Israel to justify its existence were exactly the same as those advanced by Palestine. However, the Palestine Liberation Organization had recently recognized Israel's existence and it could therefore legitimately ask that Israel in its turn should recognize the nation of Palestine.

36. The note by the Secretary-General published in document A/43/806 had summarized reports in the Israeli press of incidents that had occurred in September and October 1988 in the occupied territories. In fact, the Israeli press itself had portrayed the repression in the territories in terms of

cruelty and horror. The television had also shown many dreadful pictures of the acts perpetrated by the Israeli army since the beginning of the intifada. Also, the accounts of 11 Belgian doctors who had gone to the occupied territories had been published in the newspaper El Pais of 26 January 1989.

37. Pax Romana, which was guided by Christian principles, appealed to the deep religious tradition of the people of Israel. Furthermore, Pax Romana had appealed to the Commission and the Under-Secretary-General for Human Rights on behalf of Mr. Mustafa El Ghadi, a member of the Executive Committee of the West Bank Trade Unions Federation and Mr. Adnan El Shalabi a member of the Bir Zeit Workers Union Council.

38. He concluded by appealing to Israel to terminate the repression and begin negotiations with the PLO, which had recognized Israel as a State and had not only publicly renounced terrorism but dissociated itself from it.

39. Mr. JILANI (World Federation of Democratic Youth) said that the situation in the occupied Arab territories, a question which had been before the Commission since 1968, had worsened considerably since the intifada began in December 1987. During the first year of the intifada, the Israelis had killed over 400 Palestinians, injured 20,000 and imprisoned over 20,000, half of whom had been gaoled without being charged or tried; 645 houses had been demolished or sealed and over 60 expulsion orders had been issued.

40. For over 20 years, Israel had used practices such as the establishment of settlements in the occupied territories, expulsion of the Arab inhabitants, confiscation of Arab property (52 per cent of the land in occupied Palestine had been confiscated), destruction of houses, administrative detention without trial, pillaging of archeological and cultural property, interference with religious freedom and family rights and illegal exploitation of the resources of the population of occupied Palestine. Israel also made the daily life of the Palestinians difficult through measures such as the withholding of building permits, family reunification permits, travel documents and driving licences.

41. It was clear that the Government of Israel could not continue its gross violation of human rights and defy international law if it did not have the political, economic and military support of Western Governments.

42. The intifada was not merely an outlet for frustration and anger; it was an uprising that reflected the determination of the Palestinian people to terminate the unlawful occupation of their country and exercise their right to self-determination. For its part, the United Nations had a major historic responsibility towards that people. In particular, the Commission should take positive and effective measures to protect the lives of the Palestinians and to enforce United Nations resolutions concerning the situation in the occupied Arab territories, including Palestine.

43. Mr. WOLFON (International Bar Association) said that his organization was all the more anxious to see a new era of co-operation in the Middle East as it was already a forum in which Arab and Israeli lawyers could mix freely. In contrast, he had observed that the representatives of Israel and Palestine to the United Nations did not even look at each other when they met in the building. What those representatives should do was to sit down at the same

table without delay, in a spirit of goodwill, and seek peace for their peoples; they should rise above their differences and try to find the ultimate compromise formula which would end the occupation.

44. In June 1988, the International Bar Association, as the Sub-Commission was already aware, had held an international conference on peace and human rights in the Soviet Union which he had chaired. The International Bar Association was now ready to organize immediately, in the context in the work of the Commission, an informal meeting between the Israeli and Palestinian representatives which would be a first contact unencumbered by pre-conditions and merely to open a friendly dialogue. He hoped that the offer would be accepted by the representatives and supported by all the participants in the meeting.

45. Miss BOJKOVA (Bulgaria) recalled that the United Nations had been dealing with the question of the Middle East conflict virtually since its inception. During those 40 years, the attention of several United Nations bodies, including the Commission, had been drawn to the six wars which had taken place in that part of the world, the permanent state of conflict among the States of the region and the massive and flagrant human rights violations in the illegally occupied Arab territories, including Palestine. Since the Middle East was the oldest and most dangerous hotbed of tension in the world, it was not surprising that for 14 months a national Palestinian uprising had been taking place in those territories, where the intifada reflected the legitimate revolt of a people that was determined to change a situation of long standing. Such a reaction was in keeping with the relevant resolutions of the General Assembly, the Security Council and the Commission and, in particular, those demanding a political settlement of the problem and asserting that a just, lasting and comprehensive settlement of the Arab-Israeli conflict could be achieved only by allowing the Palestinian people to exercise their right to self-determination and by guaranteeing the inalienable right to independent existence and development of all peoples of the region.

46. The Commission was once again giving priority to that question but, for the first time in years there was a gleam of hope for a peaceful political settlement to the conflict linked to the situation under discussion. In only two months, decisive events had taken place. On 15 November 1988, the Palestine National Council had proclaimed the creation of an independent State of Palestine in accordance with Security Council resolutions 242 (1967) and 338 (1973). The realistic position of the Palestine Liberation Organization in that connection had been confirmed, to the effect that both Palestine and Israel had the right to exist once. On 15 December 1988, the United Nations General Assembly had taken note in resolution 43/177 of the proclamation of the State of Palestine and had affirmed the need to enable the Palestinian people to exercise their sovereignty over their territory, occupied since 1967.

47. That development had undoubtedly created conditions favourable for the settlement of the conflict and reflected a new political thinking, including a more realistic approach to international problems. However, in order to organize an international conference on the Middle East, to find a practical solution to the conflict, and to create conditions that would guarantee respect for the human rights and fundamental freedoms of the population of the occupied Arab territories, the States directly concerned would need to demonstrate political will, a constructive spirit and a sincere desire for

co-operation, taking into account the existing regional realities. The new situation, resulting from the positive changes in the international political climate and the efforts made to settle other regional conflicts had made it possible to rethink old positions.

48. It was none the less evident that one of the parties to the conflict had not yet mustered the necessary courage to rethink some of its traditional stereotypes. Flagrant and massive violations of human rights and fundamental freedoms continued unabated in the occupied Arab territories, including Palestine, and for years Israel had refused to comply with United Nations decisions and resolutions by continuing to occupy extensive territories and to oppress the indigenous Arab population. However, unfortunately the inevitable conclusion was that far from improving, the human rights situation in the territories was deteriorating steadily.

49. The unprecedented uprising by the population of the West Bank of the Jordan and the Gaza Strip had led Tel Aviv to escalate the violence. The civilian population was being persecuted and there had been countless arrests, casualties and fatalities. The forcible and illegal deportation of Arabs and the destruction of their houses was continuing, together with the detention of prisoners in inhuman conditions and cases of arbitrary violence and torture. There were also the hundreds of people who had been tried for protesting against the Israeli occupation policy, collective punishments, economic sanctions including the blockade of densely populated areas and the routine imposition of a state of emergency. Many facts attested to the continuing Israeli attempts to change unlawfully the legal status, demographic structure and historic character of the territories in question, to legalize their annexation and to confront the international community with a fait accompli.

50. The last report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694) and the Secretary-General's report on the question (A/43/806) provided a considerable amount of information on the flagrant and massive violations of human rights which continued to occur in the occupied Arab territories, including Palestine.

51. It was common knowledge that the brutal suppression of the rights and freedoms of the Arab population ran counter to generally accepted international standards, including those of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Special Committee had rightly pointed out in its report that Israeli policy was based on the principle that the territories occupied by Israel in 1967 constituted part of the State of Israel (A/43/694, para. 611).

52. Bulgaria had repeatedly stated that human rights and fundamental freedoms could not be guaranteed in the occupied Arab territories and that long-awaited peace in the Middle East could not be achieved unless the roots of the conflict and the hotbeds of aggression were eliminated and the Arab territories occupied by Israel since 1967 were returned. There was no problem that could not be settled by political means. A just, comprehensive and lasting settlement of the Middle East problem would entail the convening of an international conference under United Nations auspices, with the participation of the five permanent members of the Security Council and all the States concerned.

53. In conclusion, she reaffirmed her country's support for the cause of the Arab people of Palestine, in its heroic struggle for self-determination and independent development. Bulgaria supported the decisions of the nineteenth extraordinary session of the Palestine National Council, as a major step towards the implementation of the inalienable rights of the Arab people of Palestine to self-determination and independence, in accordance with the rules of international law and the relevant resolutions of the Security Council. It was now imperative for the other side to demonstrate the necessary political will to find a mutually acceptable solution to end the violations of the rights of the Palestinian people.

54. Mr. KONATE (Senegal) said that the report of the Special Committee (A/43/694) had once again highlighted the disquieting situation of the Palestinian people and had stressed the fact that the violations of human rights committed in the territories were due primarily to the occupation. The Commission should remain faithful to its humanitarian mission and remind the conscience of the world that Israel's withdrawal from the occupied territories was a prerequisite for the restoration of human rights on which peace in the Middle East depended. The occupation of a territory could not be an appropriate setting for the fulfilment of those rights.

55. In Palestine and in the occupied Arab territories every day human rights violations occurred in the form of aggressiveness and violence by the Israeli military authorities, collective punishments, the deportation and evacuation of Palestinian civilians, the desecration of places of worship, the destruction of houses and arbitrary administrative detention. The report of the Special Committee and the evidence of many in Israel itself revealed the dreadful conditions under which Palestinian prisoners were detained and systematically subjected to torture.

56. Such actions were politically indefensible. International law, which the occupying Power did not venture to invoke, unequivocally prohibited the occupation of a territory by force; however once it was confronted with a fait accompli, it imposed certain duties and responsibilities on the occupying Power. The Security Council had taken up that concern of the international community by reminding Israel of its duty to comply with articles 27 and 29 of the fourth Geneva Convention of 1949. That same concern had also been expressed by the International Committee of the Red Cross which, after the Israeli military authorities had issued numerous deportation and expulsion orders, had called upon Israel to respect the provisions of article 49 of the fourth Convention. While Israel's responsibility from the viewpoint of humanitarian law might be regretted by the international community, it did not in any way relieve Israel of its duty to do its utmost to ensure respect for the principles of law, in accordance with the first common article of the four Geneva Conventions. The Security Council must make every effort to ensure that as a member of the United Nations, Israel complied with the obligations of the Charter.

57. The explosive situation in the occupied Arab territories as a result of the "stone-throwing revolution" was merely the consequence of the occupying Power's aggressiveness. In fact the intifada, which had been a spontaneous initiative by the children and adolescents of Palestine, was a reaction against the legal non-existence and the negation of the fundamental values of the Palestinian people. History taught - and the Jewish diaspora was a very well-known example - that no people could meekly accept the negation of its right to existence.

58. In addition to the draconian measures imposed by the Israeli authorities, the report of the Special Committee showed that the occupying administration through its silence, its accommodating attitude, indeed its leniency, was encouraging xenophobia among the Jewish settlers and making the lives of the Palestinian civilians even more precarious. Such a situation merely served to reinforce the sentiment of hatred between two peoples who in fact had a similar history and civilization, between two communities which, however, had been fashioned by the virtues of great revealed religions, that taught brotherhood and tolerance.

59. The human rights situation in Palestine depended on a willingness to build a just and lasting peace in the Middle East, a peace where inhumanity had to give place to understanding. The historical address to the United Nations General Assembly on 13 December 1988 in Geneva by the leader of the Palestine Liberation Organization, Mr. Arafat, still echoed in the Palais des Nations and showed how much the Palestinians believed in peace. Mr. Arafat had said that his people had not claimed any right that was not theirs and which was not recognized by law and international laws. He said that the Palestinian people did not want to obtain its freedom at the cost of the freedom of another people, nor did it want a future which would destroy that of another people. Could there have been a more militant plea for peace?

60. The argument of security was in the final analysis a dilatory tactic devised to avert the possibility of a comprehensive political settlement. That argument alone could not constitute the standard of peace, because peace could not be won by disregarding the right of the Palestinian people to self-determination and was intimately bound up with the restoration of the rights and fundamental freedoms of the populations in the occupied Arab territories.

61. Despite Israel's resistance which it was hoped would soon end, the international community had reacted positively to the determination shown by the Palestinian people. The Commission should also support the efforts to achieve peace in Palestine and to repeat its unequivocal condemnation of a policy that disregarded human rights. International public opinion, including Jewish movements inside and outside Israel, had already called for peace in the Middle East. The many meetings of the Palestine Liberation Organization with senior European officials, including the talks in Tunis with the United States, had generated a great deal of hope. A new world awareness was growing in support of Palestine and the Commission should take that into account in order to meet the expectations of the "stone-throwing children".

62. An international conference on peace in the Middle East, organized under United Nations auspices, in which the five permanent members of the Security Council and all the parties to the conflict, including the PLO, participated, would offer the ideal setting for achieving just and lasting peace in the Middle East. That hope should not be dashed. In December 1988, Mr. Arafat had confirmed that determination to build the happiness of the peoples of Palestine and of Israel by inviting the leaders of Israel to come to Geneva, under United Nations auspices, to achieve that peace. The Commission should recall that invitation to Israel to take up the challenge so that human rights could triumph in the Middle East.

63. Mr. RAMLAWI (Observer for Palestine) said that a few moments earlier, the representative of the International Bar Association had proposed that a meeting between the observers for Palestine and Israel should be held within the framework of the Commission. He recalled that the Chairman of the Executive Committee of the Palestine Liberation Organization, Mr. Arafat, had said last December in Geneva that Israel should come to Geneva to meet the Palestine Liberation Organization within the framework of the United Nations to start a dialogue with a view to an equitable peace. He said that he himself was prepared to meet with the observers for Israel to the Commission on Human Rights in the context of the Commission's work and under the United Nations auspices.

The meeting rose at 12.30 p.m.