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SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

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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, 5 and 6; E/CN.4/1989/NGO/26 and 27; A/43/694 and 806)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1989/13, 14, 49, 52 and 53; A/43/735)

1. Mr. MEZ ZALAMA (Italy) said that, for over a year, the Israeli army had been repressing a popular uprising in the occupied Arab territories which was the expression of a national awareness that could no longer be stifled. At the current session, flagrant violations by Israel of the fundamental freedoms had been reported to the Commission and they were in striking contrast to the idea commonly held of the historical and cultural heritage on which Israel was founded. The situation was described in detail in the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694).
2. The Commission should condemn the violence in those territories whoever was responsible for it but should be even firmer when it appeared that such violence stemmed from a Government and regular military forces in contravention of both conventional and customary international rules concerning human rights. His delegation thus appealed to the Government of Israel to adhere strictly to the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. His delegation had already adopted that position in the Security Council of which it had been a member for two years. The European Community had, on several occasions, deplored the policy of establishing Israeli settlements in the occupied territories, had urged Israel to comply with the United Nations recommendations and had confirmed its strong support for the execution of programmes to assist the territories in question.
3. Through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), his Government had helped considerably to alleviate the physical and moral suffering of the Palestinian people. However, it was well aware that, over and above humanitarian action, the conflict had to be resolved at its roots. No peaceful solution could be achieved if the Palestinian people's right to self-determination were disregarded. Fortunately, the statements made by the Palestine National Council in November 1988, the General Assembly meetings held at Geneva in December and the direct dialogue that had been started between the United States and the PLO, had brought fresh hope. The next requirement was to move towards convening an international peace conference on the Middle East. To that end, all the parties should be patient but also bold, so that both the legitimate rights of the Palestinian people and the security of the State of Israel might be recognized.
4. Ms. ZWEIBEN (United States) said that her country felt deeply about the well-being of the Palestinian people. Since 1949, her Government had been by far the largest contributor to UNRWA. Furthermore, private charitable organizations in her country had, since 1975, contributed over 80 million dollars to assist Palestinian residents on the West Bank and in Gaza. Her

Government had also been a major contributor to the development programme of the Government of Jordan for the occupied territories until that programme had been terminated in July 1988.

5. Since the end of the 1967 war, her Government had regarded Israel as the occupying Power of the territories of the West Bank, Gaza, East Jerusalem and the Golan Heights and considered that Israel's occupation was governed by The Hague Regulations of 1907 and by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. Consequently, it recognized Israel's responsibility to maintain order in the occupied territories but was opposed to the excessive use of force and to practices such as administrative detention and expulsion.

6. On the other hand, the Government of Israel had very real security concerns; the West Bank and Gaza had repeatedly been racked by violence. Her delegation therefore appealed to all parties to show restraint. It could not support one-sided resolutions directed against Israel's policies in the occupied territories which did not also call for an end to acts of violence against Israeli officials and citizens in those territories. Furthermore, in her delegation's view, the often intemperate language used in criticism of Israel during the Commission's debate, only complicated the search for a just and lasting peace. In the Middle East as elsewhere, it must be understood that human rights standards applied to all parties and not just to Israel. Lastly, there were other regions in the world where the conduct of Governments gave cause for concern with respect to human rights and the Commission should also demonstrate its impartiality when those regions were discussed.

7. Mr. WALDEN (Observer for Israel) said that the debate on items 4 and 9 was being conducted in the context of two major offensives. The first was the violent attacks which had been made for more than 13 months on Israeli troops and civilians in Judea-Samaria and in the Gaza District. The second, in utter contradiction to the first, was the public-relations campaign launched by Mr. Arafat at his press conference on 14 December 1988 to try and convince world public opinion that the PLO had renounced terrorism and violence against Israel and was seeking a peaceful settlement. The statements made in the last few days by the Arab representatives in the Commission left few illusions as to the authenticity of the good intentions expressed; in fact, they reflected no moderation and some had even gone so far as to invent malicious lies about gas chambers and the stealing of organs for transplants.

8. However, he wondered first of all whether the PLO had really renounced terrorism. In the past, members of that Organization had often hijacked aeroplanes or blown them up in mid-air. According to certain United States sources quoted by the television network CBS, the recent Lockerbie disaster had been caused by the Popular Front for the Liberation of Palestine, headed by Ahmed Jibril, with the co-operation of Libya and the approval of the head of Syrian Military Intelligence. It was also the PLO that had thought of murdering sportsmen at the Olympic Games, of launching armed attacks against embassies, of slaughtering children in school buses and exploding bombs in supermarkets, schools and synagogues. Certainly the costly security measures currently adopted in air transport - and even at the entrance to the conference room of the Commission - were the result of actions conceived and carried out by the PLO.

9. He wondered whether it was possible then to believe that the PLO had renounced terrorism. Mr. Arafat himself had said that such a renunciation of terrorism did not include the so-called intifadah. There was also Mr. Arafat's threat, after Mr. Elias Freij, the mayor of Bethlehem, had said on 23 December 1988 that the "Palestinians would be happy to accept an honourable truce". Mr. Arafat's response had been: "Whoever thinks of stopping the intifadah before it achieves its goals, I will give him 10 bullets in his chest". The PLO subsequently denied that his intention in making that statement was to threaten the mayor, though it was a curious coincidence that those words had been said just one week after Mr. Freij had made his statement. However, the threat was intended for anyone who tried to stop the violence in the territories. In that connection, he recalled the murder of Mr. Zafr al-Masri, former mayor of Nablus, on 2 March 1986 and said that he had in his hand a list of some 20 Palestinians who had been murdered by the PLO, including mayors and religious leaders. There was also the agreement recently signed between the PLO and the Lebanese organization Amal to continue operations in the north against Israel.

10. It was clear then what the so-called renunciation of terrorism by the PLO amounted to, but the question arose whether its other assertion, that it accepted the existence of Israel, was a credible one. After having pointed out that Israel did not seek recognition from the PLO and did not intend to recognize it, he said that Mr. Abu Iyad, Mr. Arafat's deputy and architect of the PLO's current strategy, had explained that the PLO had revived the "phased plan" adopted by the Palestine National Council at Cairo in 1974. That plan comprised a two-step programme: firstly, the creation of a Palestinian State in any territory evacuated by Israel and, secondly, the launching of a military attack from that State to destroy Israel. On 6 December 1988, Mr. Abu Iyad had also stated "We shall liberate Palestine stage by stage ... We will work to expand the borders of the Palestinian State in order to realize our aspirations for all the land of Palestine". He also quoted Leila Khaled, a member of the Popular Front for the Liberation of Palestine, who had become the Secretary of the General Union of Palestinian Women after she had gained notoriety by hijacking an aeroplane, who had said: "I am from Haifa and would like to go back there. Our first objective is to return to Nablus, and then move on to Tel-Aviv".

11. He then replied to the criticisms expressed in the Commission on the subject of the measures adopted by Israel against the agitation in the territories. He recalled, first of all, that Israel was in those territories as a result of a war of aggression launched by Jordan in 1967 and that it therefore wanted to prevent the repetition of such aggression. Several speakers had referred to the Arab women and children that had been wounded or killed but he wondered who had urged those women and children to attack Israeli soldiers. The Commission, which had before it a draft convention on the rights of the child, should be concerned at the flagrant violations of those rights in using children in such a way. There was also the resolution adopted by the Twenty-fifth International Conference of the International Committee of the Red Cross (ICRC) in which ICRC expressed its deep concern at the phenomenon of children taking a direct part in hostilities. In fact, for a number of years the PLO had pursued a policy of carrying out operations from civilian camps in order to gain a propaganda advantage from the consequent deaths of civilians.

12. The hundreds of Israelis wounded or killed by the violence, including many women and children, should not be forgotten either. Some people's judgement was so biased it was shocking; even in the case of an organization as respected as Amnesty International. Such attitudes in the Commission created the atmosphere of a kangaroo court and was not conducive to any kind of settlement.

13. He then recalled the extent of the violence of the intifadah. Bands of masked men had compelled people to take part in the riots against their will, shops and factories had been forced to close and students had been pressured to leave their classrooms, vehicles transporting Arab workers had been attacked with petrol bombs and anyone who resisted that campaign of terror was threatened and often murdered. The organization and the leaders who were perpetuating that violence obviously did not wish to have any negotiations; in fact they wished to prevent them.

14. A great deal of misleading information had been disseminated about the measures taken by Israel to stop the violence and murders. It was, in fact, the instigators of the riots who incited and armed the children and women and who abused the asylum offered by the mosques and hospitals by hiding terrorists and weapons in them. It was not Israel that had been responsible for closing the schools and universities; in fact since 1967, Israel had established and maintained nine universities and institutions of higher learning in the territories and the doors remained open for those who wished to learn. Israel had also been accused of prohibiting certain literature and he gave an idea of the type of books that were banned by quoting from a textbook by Mr. Muhammad Azath Druza: "Palestine will be cleansed of the Zionist abomination and will become purely Arabic".

15. Israel had the responsibility of maintaining order under article 64 of the Fourth Geneva Convention and article 43 of The Hague Regulations of 1907. In performing that duty, Israeli forces had shown considerable restraint; indeed, in many of the countries whose representatives were pontificating on human rights, disturbances such as those would have been crushed with such brutality that they would have been terminated immediately. Israeli soldiers used firearms only if their lives were in danger; plastic bullets were used only to disperse violent demonstrators and not to dissuade by wounding. There may have been a few isolated cases of abuse but those had been investigated and the guilty punished. Furthermore, there had been no food shortage during the curfews; ICRC had confirmed that.

16. Contrary to what some critics asserted, the trials before military courts were conducted in accordance with the procedures that prevailed in the courts of law of the Western States. Every suspect had the right to be represented by an attorney of his choice. The maintenance of the rule of law was still further strengthened by the fact that residents of the administered areas were able to petition the High Court of Justice. Administrative detention had sometimes been found necessary, but the legal provisions which permitted it were in full conformity with article 78 of the Fourth Geneva Convention. Furthermore, under a special agreement with ICRC, representatives of that organization were permitted to meet detainees within 14 days of their arrest and at regular intervals thereafter. ICRC doctors were permitted to examine any detainees who complained of improper treatment; they subsequently

submitted copies of the medical reports to the Israeli authorities. Complaints submitted through ICRC were investigated and ICRC was informed of the findings. Expulsion orders had been issued in very serious cases but, under regulation 108 of the Defence Emergency Regulations of 1947, that measure affected only persons whose presence might endanger the security of the administered areas. Such persons could also appeal to an advisory committee, which heard the appellants and made recommendations.

17. Lastly, Israel was accused of rejecting the peace offer made by the PLO and the Arab world. He did not accept that accusation. Closer examination of the offer showed that the PLO and the Arab world were saying no to direct negotiations, no to the Camp David agreements, no to elections of representatives in the territories and no to autonomy. Instead, what was offered was the panacea of an international conference. It was noteworthy that no such conference had been held on the Iran-Iraq conflict, or on the Namibia problem, or on Afghanistan. Those situations had been resolved through direct negotiations, in accordance with Article 33 of the United Nations Charter. That Article stressed negotiation and made no mention of international conferences. In fact, that formula was very rarely used in international practice. The Arab States were proposing it with the aim of convening a group of States to exert pressure on Israel and impose a predetermined solution on it.

18. However, Israel did not repudiate any third-party assistance. Mr. Shamir, the Prime Minister of Israel, had stated that he was willing for such negotiations to take place under the auspices of the United States and the Soviet Union and/or the Secretary-General of the United Nations, provided that such auspices constituted only the framework for the negotiations and that there was no intervention by them in substantive matters. In that connection, it was disconcerting that Israel was being accused of intransigence because of wanting to settle its differences with the Arab world through the traditional channel of direct negotiations. However, such negotiations with the Arab States and representatives of Palestinian Arabs living in the territories would certainly lead to a satisfactory solution, taking into account both Israel's security needs and the legitimate aspirations of the Palestinians.

19. Mrs. BALJINNYAM (Observer for Mongolia) said she wished to emphasize the inalienable and universal nature of the right to self-determination embodied in the United Nations Charter and in the International Charter of Human Rights. That right was, however, being blatantly violated in the case of millions of human beings, particularly in Palestine, South Africa and Namibia.

20. Her Government, which strongly condemned the policy of the Pretoria régime, had consistently supported independence for Namibia, on the basis of Security Council resolution 435 (1978).

21. The question of Palestine was the core of the Middle-East conflict. For more than 20 years, the Israeli authorities had been committing flagrant human rights violations in the occupied Arab territories in defiance of the United Nations Charter, the numerous United Nations decisions and resolutions and the general condemnation of the international community. Israel's attitude represented a threat to peace and stability in the region and in the

world as a whole. Although, as reflected in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/806), the overall situation had worsened since December 1987, new and encouraging events had taken place in the world and even in the Middle East. The uprising of the Palestinian people had underscored the urgent need for a peaceful solution to the Arab-Israeli conflict and the proclamation of an independent State and the commitment by the Palestine National Council to comply with the principles of the United Nations Charter augured well for the future. The constructive measures recently adopted by the PLO encouraged that positive trend, which offered hope for a solution to those urgent problems, in the spirit of the United Nations Charter, through co-operation and dialogue. The United Nations was being called upon to play a key role and all the Member States should therefore assist it by giving their support for the legitimate struggle of the Palestinian people and by taking effective measures to ensure that Israel fully respected United Nations resolutions.

22. Her Government had been one of the first to recognize the independent Palestinian State and it had always advocated the holding of an international conference to settle the conflict in the Middle East with the participation of all the parties concerned, including the PLO, the legitimate representative of the Arab people of Palestine.

23. Her Government firmly supported the legitimate struggle of the peoples of Palestine, South Africa and Namibia and reaffirmed its unshakeable support for the national liberation movements.

24. Mr. TOWPIK (Observer for Poland) said that the significant progress that had been made in settling regional conflicts had not been achieved in the case of Palestine and the Commission should thus continue working actively towards that end. In the current circumstances, there were only losers in the Middle East: the considerable number of victims among both Palestinians and Israelis was deplorable, as was the intensification of the atmosphere of hatred and distrust. The entire international community was also a loser, because peace and security were threatened and international co-operation hampered.

25. First of all, Israel should respect the provisions of humanitarian law and, in particular, the Fourth Geneva Convention of 1949 in order to relieve somewhat the fate of the population in the occupied territories. None the less, the basic question was the right to self-determination of the Palestinian people, who, as the uprising had shown, were determined to demand recognition of that right. His Government had always supported that just claim and was thus in favour of any step that would lead to a negotiated settlement in the Middle East. It had therefore welcomed the decisions taken in November 1988 by the Palestine National Council as well as Yasser Arafat's bold and future-oriented position. If the Palestinians respected the principles of the United Nations Charter and if they were determined to find a peaceful and lasting settlement on the basis of Security Council resolutions 242 (1967) and 338 (1973), the stalemate could be broken and Yasser Arafat's realistic proposals should be favourably received. Any settlement of the conflict in the Middle East, to be just and lasting, should provide for the withdrawal of the Israeli forces from the territories occupied since 1967, the exercise of the inalienable rights of the Palestinian people

to self-determination and independence and the guarantees of the security of all the States in the region. Given the complexity of the problem, that solution could only be found in the framework of an international conference organized under United Nations auspices with the participation of all the parties concerned, a proposal that had received almost general support. Since the popular uprising of the Palestinians, it was more urgent than ever to begin negotiations on the question of Palestine and the Commission should support any initiative in that direction. Not just the parties to the conflict, but also every State and all intergovernmental and non-governmental organizations should work together to ensure respect for human rights and justice for the Palestinian people as well as their independence as a nation. He hoped that the current session and future action by the Commission would help to consolidate the progress that had been made so far.

26. Mr. MOKBIL (Observer for Democratic Yemen) said he hoped that the progress achieved on the international political scene in eliminating tension would mark the beginning of an era of peace and security for all the peoples of the world. Unfortunately, Israel continued to violate the fundamental rights of the Palestinian people and to defy the resolutions of the various United Nations organs and the appeals of the international community. By their uprising, the Palestinian people had shown that they could fight to free their land. The intifadah had received wide support from the international community and the decisions of the Palestine National Council had, on the whole, been well received.

27. When the fortieth anniversary of the adoption of the Universal Declaration of Human Rights had just been celebrated, the Israelis continued to kill and wound Palestinians, to complicate their lives, deport them and to establish a reign of terror in the occupied territories. All of those practices had been reported by the information media and by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and they had been widely condemned, but without any effect.

28. There was currently a definite trend in favour of organizing an international conference with the participation of the permanent members of the Security Council and all the parties to the conflict, including the Palestine Liberation Organization, to settle the question and give the Palestinian people an independent State. No effort should be spared to prevent Israel from continuing its ignoble practices.

29. Mr. PALACIOS (Spain) said that human rights could hardly be exercised if the right to self-determination, which was recognized in General Assembly resolutions 1514 (XV) and 2625 (XXV), was denied.

30. While the situation in the Middle East continued to be tense and disquieting as a result of the refusal to recognize the right of the Palestinian people to self-determination, other conflicts involving that right were being settled, largely because of the efforts of the United Nations and its Secretary-General. Thus, the agreement recently signed between South Africa, Angola and Cuba could lead to the implementation of Security Council resolution 435 (1970) and to independence for Namibia, which would put an end to the serious human rights violations committed in that Territory and would help to create an atmosphere of peace and stability which the people of southern Africa had been awaiting for far too long.

31. The situation in Western Sahara seemed to be improving. His Government had always felt that the process of decolonizing Western Sahara would only be complete when the people of that territory had freely expressed their will in a referendum held with all the necessary guarantees. It hoped that the process that had been begun under the auspices of the United Nations Secretary-General and his special representative would lead to respect for the rights of the population of Western Sahara, particularly its right to self-determination. The initiatives recently taken by the parties to the conflict, which seemed to indicate a genuine desire for dialogue and negotiation, were encouraging in that regard.

32. The situation in Kampuchea, which was occupied by Vietnamese troops in flagrant violation of the right to self-determination of the people of that country, unfortunately seemed to have reached a deadlock. The occupation, coupled with the exploitation of the territory's resources and repression, had forced many Cambodians to flee their country and to seek refuge in camps, where they were living in miserable conditions. The Cambodian people had the right to demand the restoration of its independence, sovereignty and territorial integrity without, of course, slipping back under the rod of a régime like that of Pol Pot. It was imperative that the Vietnamese troops should withdraw and that negotiations should be started with a view to establishing suitable conditions for a peaceful settlement that would meet the legitimate aspirations of the oppressed population.

33. The commitment made by the Soviet authorities to withdraw their troops from Afghanistan was becoming a reality. Nevertheless, all the conditions had not yet been met for the return of the refugees, who numbered about 5 million, the free election of a representative Government, the economic reconstruction of the country as well as its return to independence, neutrality and the recovery of its status as a non-aligned country. His Government, which had always regarded the withdrawal of Soviet troops from Afghanistan as a necessary condition for the normalization of the situation in that country, was most satisfied by the attitude adopted by the Soviet authorities.

34. Mr. ROBEL (World Confederation of Labour) said that, for more than 40 years, the Palestinian people had been deprived of its rights and had been living in a state of insecurity because of the expansionist policy and the terrorist and racist practices of the Israeli authorities. Reports by several international organizations and by the Special Committee as well as the evidence by witnesses on the subject were enlightening. The Israeli authorities were violating universally recognized principles and they perfidiously advanced the pretext of security considerations to justify their illegal occupation and barbarous practices redolent of the 1940s. Their real aim was to reduce the Palestinians to slavery and prevent them from establishing a State and from living in peace in their own land. Israel was trying to destroy the Palestinians through annexation, colonization and violation of their freedoms and rights.

35. The acts of violence, which had multiplied since 1967, included expropriation of land, expulsion of the Palestinian people living there, destruction of homes, villages and lands to establish Jewish settlements and military installations there, impoverishment of the masses by despoiling them of their property, discriminatory measures against Arab workers, measures based on religion and race, unemployment of intellectuals and violations of

international labour conventions, freedom of association and other fundamental human rights. In fact, the poorly paid and difficult jobs were left for the Arabs who enjoyed no social protection although 20 to 40 per cent of their meagre wages was withheld for contributions. Palestinian workers were not only exploited but harassed by the police. Trade union headquarters were searched or forced to close. Trade union meetings were forbidden and trade-union leaders were detained, placed under house arrest or deported. The resources of the occupied territories were plundered, the cultural heritage of the people destroyed, they were denied freedom of worship and there were arbitrary arrests, ill-treatment of prisoners, and brutal repression which had led to the revolt of the Palestinian people whose future required the departure of the occupiers and the establishment of an independent State.

36. Since December 1967, Israeli brutalities against demonstrators had grown worse, with mass arrests and the use of tear-gas, plastic bullets and even real bullets. The Jewish settlers taking part in those operations also resorted to acts of vandalism. There were countless dead and wounded and people arrested or deported, homes destroyed, schools and universities closed and so forth.

37. The decisions and resolutions adopted on the subject by the United Nations Security Council and other authorities had, unfortunately, failed to have the effect of compelling Israel to abandon its policy. The fierce repression had, however, in no way shaken the determination of the Palestinian people and, if there had been some positive developments recently, that was due to the uprising and to the heroism of the Palestinian people supported by international solidarity. Many countries had already recognized the proclamation of a Palestinian State, which had incidentally been provided for by resolution 181 (III) of the United Nations General Assembly. The historic statement by the PLO leader on 13 December 1988, his condemnation of terrorism and the acceptance by the Palestine National Council of Security Council resolutions 242 (1967) and 338 (1973) opened the way to a political solution and gave room to hope that dialogues would continue with a view to holding an international conference under United Nations auspices, that the Israeli occupiers would withdraw and that peace would be established.

38. Nevertheless, Israel was still opposing the exercise of their rights by the Palestinian people and Mr. Shamir had said, a few days previously, that the Palestinians would not get a Palestinian State, either by force or by negotiation.

39. The principles of the World Confederation of Labour were to defend and respect the fundamental freedoms and rights of human beings and of peoples throughout the world, to fight against every kind of discrimination and to condemn all forms of colonialism and imperialism and the use of force or terrorism as a strategy to secure a solution. A durable solution called for a dialogue based on mutual respect, which implied the recognition of the right of the Palestinians to enjoy their sovereignty. The international community should do everything to ensure that an international peace conference on the Middle East was held, at which all the parties concerned would be represented.

40. The World Confederation of Labour hoped that, at the current session, the sincerity and solidarity of all would mark an advance in the defence of and respect for the rights of the Palestinian people.

41. Mr. YOUSSEFI (Arab Lawyers' Union) said that the question under consideration had never been so deserving of priority attention as at the current session, which coincided with the fifteenth month of the uprising by the Palestinian people and of its repression by the Israeli occupiers. The Arab Lawyers' Union was sure that the resolutions adopted on that subject would meet the expectation of the people in the occupied territories and the concerns of international opinion, because of the unprecedented gravity of the situation. The massive human rights violations committed in the occupied territories had been described in detailed reports by the United Nations and many intergovernmental and non-governmental organizations.

42. Exercising the profession of a lawyer in occupied Palestine was certainly no sinecure. Three lawyers of the Gaza Bar had decided to boycott the military courts to protest inter alia against the serious violations of the rights of the defence perpetrated by the Israeli authorities after the Palestinian uprising in Gaza in December 1987 and they had been placed in administrative detention for six months. The West Bank lawyers, who had been practising there when the territory was occupied in 1967, had been on strike ever since that period to protest against the changing by the occupier of the existing judicial organization, in violation of international law. The young lawyers, trained under the occupation, who were defending the Palestinian political detainees had just gone on a one-month strike in protest against the violations of the human rights of detainees and breaches of the rights of the defence. Among the demands, which had led them to refuse to plead in the military courts on the occasion of the mass trials of January and February 1988, were that lawyers and families should be provided within 48 hours with the details of the place of detention of their clients and their children as well as the reasons for their detention, the detainees also being informed of the latter within 24 hours; that lawyers be allowed to visit detention centres and interview their clients; that families be authorized to visit their children in the Negueb detention centre; that an end be put to the practice of taking hostages and confiscating the identity cards of the relatives of a person being sought; that the practice of postponing hearings because of the absence of a witness for the prosecution be halted; that lawyers be informed of the dates of hearings at least 48 hours in advance; and that detention conditions be improved.

43. The remarkable campaign of those Palestinian lawyers should be given sympathy and support. Members of the Israeli Bar had, indeed, already expressed their support. However, the Israeli system of occupation was not very worried about legality and since 1967, it had always licensed administrative punishments not sanctioned by the law such as dynamiting homes, deportations and administrative detentions. Those measures had been practised on a large scale since the uprising.

44. It should be recognized that Israeli Socialist Governments and Ministers were those which had most often resorted to expulsion. During the first year of the uprising, they had deported 59 Palestinians who were regarded as possible leaders or builders of Palestinian social structures, under some exceptional defence regulations that had been introduced by the British administration in Palestine but annulled by that administration in 1948. The orders in question constituted flagrant violations of the Fourth Geneva Convention and of the Nuremberg Principles.

45. The other method of extrajudicial repression was administrative detention. It was estimated that some 4,000 Palestinians had been subjected thereto since the uprising. Since 17 March 1988, every Israeli military commander could issue an administrative detention order and the only appeal allowed against it was a mere sham. The victims of that method were also subject to deportation. The illegality of administrative detention was indisputable.

46. Although the demolition of homes had been a practice for 21 years, it had increased dramatically since the uprising. Over 145 homes had been destroyed on the West Bank, not to mention hundreds of others that had been demolished because they had been "illegally constructed". That relentlessness had deprived entire families of their shelter and constituted a unique phenomenon in the world which spoke volumes about the psychology of the Israeli occupying Power, which had even gone so far as to dynamite homes that had been unoccupied for some time.

47. After 21 years of occupation, the situation in the occupied territories spoke for itself. The Israeli reaction had taken the form not only of brutal military repression but also of systematic undermining of the Palestinian economy, social infrastructure and educational system. During the past year, the Israeli authorities had, in fact, made it clear that they intended to pursue their policy of flagrant violation of human rights, a violation which they had denied until the uprising occurred. In view of the fact that, for 21 years, the international community had been unable to ensure that Israel respected its international obligations, the young Palestinians had decided to enforce the resolutions condemning Israel by resorting to the only striking force at their disposal: stones. By denying the legitimate aspirations of the Palestinian people and by committing new unprecedented human rights violations, Israel was posing the problem for the international community of protecting the Palestinian people whose leaders had, for their part, courageously agreed at Geneva to all the requirements of the international community.

48. Ms. EK (Rädda Barnen International) said that her organization, which worked for the rights of the child, had recently carried out a fact-finding mission in the occupied territories and its conclusions were most disturbing. In 1988, a large number of children had been victims of the violence used by the Israeli army to suppress the uprising in the occupied territories. Hundreds of them had been wounded, some had been killed and millions of others had been beaten or exposed to tear-gas. Teenagers had been detained for long periods and younger children had been taken into custody. While some of those victims had taken an active part in the uprising, in other cases the members of the Israeli defence forces had failed to make a distinction between children and adults. Furthermore, the children were particularly vulnerable to the collective punishments that were meted out on a large scale; curfews, sealing-off of villages and refugee camps, closure of schools and demolition of homes.

49. It would appear that at least 27 children had been killed during the first 11 months of the uprising. According to a report by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 1,140 persons in the Gaza Strip had been injured by the use of firearms during those first 11 months. Nearly all of the cases were of children under 16.

Many of them had been shot during clashes between demonstrators and soldiers. In other cases, the victims had been shot without any provocative behaviour on their part. Plastic bullets were also used and, contrary to what was officially asserted, they could be fatal if they were fired at point-blank range and if the bullet hit soft body-tissues. In January 1989, an army official had admitted that 47 Palestinians had been killed by bullets of that type. During the year under consideration, the instructions regulating soldiers' use of live ammunition had been markedly relaxed and it would appear that the highest Israeli authorities had sanctioned the use of live and plastic bullets against demonstrating adults and children alike, knowing that they could cause severe injuries.

50. Fear of arrest prevented many injured people from seeking medical treatment. Delegates from Rädä Barnen had been told, in November 1988, that soldiers had repeatedly arrested injured persons in ambulances and sometimes even in the presence of UNRWA officials. Soldiers had also entered hospitals and threatened and beaten staff and patients. In 1988, several thousand children had had to receive medical treatment after having been ill-treated by Israeli soldiers, sometimes while they were being held captive. Government officials had tolerated or sanctioned that violence and, in January 1988, the Israeli Minister of Defence had announced "a policy of force, power and blows" to prevent violent demonstrations.

51. Tear-gas was not only used to disperse rioting crowds but was also thrown into homes, schools, hospitals and mosques. During the first 11 months of the uprising, 31 children, most of them less than 6 months old, had died from tear-gas, which was sometimes used deliberately and on a massive scale.

52. Hundreds of children under 16 had been arrested in 1988 and those between 14 and 16 were held for longer periods. Some of them had been ill-treated during detention. Anyone suspected of a security offence could be detained up to 18 days before being brought before a court. Although military order No. 1220 issued in February 1988 gave families the right to be informed "without delay" of their relatives' place of detention, in practice it seemed that it was the International Committee of the Red Cross (ICRC) which gave that information and remained in contact with the detainee and his family. By agreement with the Israeli authorities, the ICRC delegates were informed of detention after 12 days and were permitted to visit detainees after 14 days. That meant that up to a fortnight passed before the families were informed.

53. Education in the occupied territories had been severely curtailed as a result of the closure of schools for security reasons or as a form of collective punishment. The 1,194 primary and secondary schools on the West Bank had been closed for more than nine months, and 300,000 pupils had been affected. In the Gaza Strip also, teaching had been disrupted by curfews and school closures. It was estimated that, in that region, between one third and one half of all school days had been lost.

54. The demolition of houses was another form of collective punishment that deprived children of their homes. During the first 11 months of the uprising, 122 houses, on the West Bank and in Jerusalem, had been demolished for security reasons and others on the pretext that they had been built without a licence. It was all the more difficult for families whose houses were going to be demolished because they were sometimes only given from 15 to 30 minutes' advance notice to leave their homes.

55. Human rights were more seriously at risk in a society in conflict. Political authorities should do their utmost to prevent certain fundamental principles from being violated, because the interests of children were involved. The rights of children should be defended, even at a political cost.

56. Mr. RETUREAU (World Federation of Trade Unions) said he was pleased that, in his opening statement, the Chairman had stressed the importance of co-operation with non-governmental organizations dealing with human rights. That kind of co-operation enabled the Commission to have as complete information as possible and to take different points of view into consideration. The World Federation of Trade Unions, which comprised 210 million unionized workers in 75 countries, was working to promote political, social, economic and trade-union rights and the de jure and de facto equality of women in society and at work.

57. Turning to the question of Palestine and the neighbouring countries affected by Israel's occupation and expansionism, he said he wished to refer to a number of new developments in trade unionism since his organization had drafted a memorandum that would shortly be circulated.

58. The previous year, he himself and a group of trade unionists had had the opportunity to observe on the spot Israeli occupation and exploitation of the Arab workers. The policy of repression by the Israeli authorities had grown worse since the beginning of the uprising and the Israeli settlers were directly involved. Furthermore, most Israelis were affected by anti-Arab racism. That was the consequence of their Government's policy of which they were also indirectly the victims not only in economic terms but also - and that was even worse - in moral terms. Fortunately, some organizations and distinguished persons, though still the minority, were opposed to the occupation and the repression, despite the harassment to which they were subjected by the police and the courts.

59. The uprising, which was being carried on courageously, and the proclamation of the Palestinian State by the Palestine National Council had radically changed the political scene in the Middle East and opened up a real prospect for peace and the recognition of the rights of the Palestinian people. He wondered, however, how many more children had to be killed, how many more people suffocated by tear-gas, how many more homes dynamited and lands confiscated, before lasting peace and justice were established through negotiations between the parties directly concerned.

60. As things stood, repression in Palestine had steadily worsened and suspects were being shot at sight. A flame-thrower had been used to destroy homes on 17 January 1989. A visit to the hospitals showed that plastic bullets had unfortunately proved most effective in recent months.

61. With respect to trade unions, the rights of workers were being constantly flouted. Two more trade-union leaders had been arrested and an instructor was still threatened with deportation. In the area occupied by the Israeli army in southern Lebanon, the "South Lebanon army", a militia organized and financed by Israel, was forcing the inhabitants to enlist under threat of deportation. On 5 January 1989, the Israeli forces had made mass arrests and expelled 31 persons in violation of the Geneva Conventions. Souha Béchara, a young Lebanese patriot, was shortly to be "tried" by a military court of the

puppet army. That young woman, who had been illegally detained, should be handed over forthwith unharmed to the Lebanese authorities. With each passing day, the number of the dead and wounded in Palestine was increasing.

62. His Federation hoped that the Commission would help to end that occupation and to restore justice and international law in a region that had been steeped in blood by an expansionist and colonizing military Power which trampled upon Security Council resolutions and international conventions.

63. Mr. WALTHER (International Union of Students) said that, in February 1988, he had taken part in a fact-finding mission to the occupied territories, composed of students from eight European countries. He had seen with his own eyes all the crimes committed against the Palestinian people in those territories by the Israeli army. In the hospitals, he had seen the victims of allegedly harmless rubber and plastic bullets. He had seen the inhuman conditions of the refugee camps which caused an increase of 65 per cent in the child mortality rate. He had also witnessed the economic oppression to which Palestinians working as cheap labour for Israelis were subjected, under conditions comparable to those of the black workers in racist South Africa. All those measures were intended to deprive a people of its national identity after having already deprived it of a State. The Palestinians were, however, resisting the occupation and the oppression, as evidenced by the uprising, which had already lasted a year, and they were already engaged in building the State of Palestine.

64. The International Union of Students hoped that the Commission would help to further the peace process and strengthen the pressure applied by the international community to the Israeli Government to put an end to the human rights violations in the occupied territories and to the occupation itself. IUS also hoped that the work of the Commission would encourage the convening of an international peace conference on the Middle East under United Nations auspices with the participation of the five permanent members of the Security Council and all the parties to the Arab-Israeli conflict, including the PLO, the sole legitimate representative of the Palestinian people.

65. Mr. DIENG (International Commission of Jurists) said that his organization welcomed the fact that, the previous year, the Security Council had adopted a resolution confirming that the deportation of Palestinians from the West Bank violated the Fourth Geneva Convention of 1949. Since then, other violations of principles of international law that had been committed by the Israeli Government in the occupied Arab territories had been condemned in numerous General Assembly and Security Council resolutions. All appeals to the Israeli Supreme Court against those violations had failed, because obligations under international treaty law did not form part of Israel's internal law unless specifically passed into law by the Parliament.

66. Since the beginning of the intifadah, his organization had repeatedly expressed its deep concern about the violations of human rights and of international humanitarian law committed by the Israeli forces in the occupied territories. He would not dwell on those violations because they had already been described in detail by previous speakers and were well known. What was even more disturbing was the refusal of the Israeli Government to respond to appeals from the entire world community to begin a dialogue with the PLO which

was currently seeking a peaceful settlement of the conflict. Israel's refusal to negotiate posed the question whether the Government's real objective was to remain in the occupied territories for ever.

67. Mr. RAIANI (International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD)) said that the racial discrimination to which the 750,000 Arabs living in the State of Israel were subjected had been legalized according to Israeli "fundamental laws", which gave preferential treatment to Jews but made Arabs second-class citizens with neither legal status nor rights.

68. The systematic destruction of Arab villages and homes was a typical example of the discrimination practised by the Israelis against non-Jewish citizens. The authorities planned to destroy 47 villages in the near future as they had destroyed the biblical and evangelical village of Emmaus whose inhabitants had been expelled and which had been razed to the ground in 1968, and converted into a park. The village of Loubyeh had met with the same fate. The Arab communities in Israel were also financially disadvantaged because the subsidies they received were one fifth or one quarter of what the Jewish communities received. For example, the new city of Nazareth-Illit, where the Jews were in the majority, had been declared a development zone, a status that included considerable privileges and most official services had been transferred from the ancient Arab town of Nazareth to Nazareth-Illit. An Israeli journalist had written in the Jerusalem Post Magazine of 30 September 1988 that more than 10,000 Israeli Arabs were living in shanty towns where they lacked even the most elementary amenities and were deprived of water because their settlements had not been recognized by the State of Israel.

69. The Israelis claimed that the land of Palestine belonged to them because they were God's chosen people; the Palestinians therefore had no alternative but to appeal to the United Nations for justice. EAFORD called upon the Commission to condemn Israeli practices and to use its influence to persuade the Israeli authorities to put an end to the inhuman treatment of non-Jewish citizens in the State of Israel. It also invited the Commission to ask the Government of Israel to apologise to the United Nations, as it had done to Sweden, for the assassination of Count Bernadotte, during the course of a United Nations mission to Palestine.

70. Mr. KHOURI (Union of Arab Jurists), having recalled that the Universal Declaration of Human Rights had been in existence for 40 years, said that, for 40 years also, the Palestinian people had been enduring oppression at the hands of the Israeli authorities. Since 8 December 1987, the date when the intifadah began, Israel had been committing abominable crimes in the occupied territories and pursuing its systematic policy of weakening the Palestinians by all possible means. The victims of that oppression ran into thousands. Despite condemnations by the international community, Israel continued to drive Palestinians away from their homeland, to dynamite their homes, to close their schools and universities and to turn their towns and villages into military zones in defiance of all the General Assembly and Security Council resolutions and in violation of the Fourth Geneva Convention of 1949 and of all the principles of international law.

71. That policy of expulsions, genocide, territorial annexation by force, establishment of settlements and aggression against southern Lebanon was a stumbling block to international efforts to bring peace to the Middle East and find a peaceful solution to the conflict which would guarantee the rights of all the parties concerned.

72. The Union of Arab Jurists appealed to the Commission to condemn Israel once again and demand that it cease its inhuman practices and withdraw its armed forces from the occupied territories. It also urged the Commission to work towards the realization of the legitimate rights of the Palestinians, so as to enable them to create an independent State on their national territory under the leadership of the PLO, the sole legitimate representative of the Palestinian people.

73. Mr. WOLFSON (International Bar Association) said that a number of speakers, in their statements on the agenda item under consideration, had recalled the monstrous crimes perpetrated by the Nazis during the Second World War. Those crimes had never been equalled or repeated and the speakers in question could have presented their viewpoints just as effectively without desecrating the sacred memory of millions of innocent persons who had been killed by the Nazi war machine. He sought the protection of the Chair in that respect and specified that he was not trying to inhibit freedom of speech in the Commission. He wished to emphasize, moreover, that he had much sympathy for the Arab families who had lost loved ones on the West Bank and in Gaza.

74. He thanked the Chairman for allowing him to make that statement, with which the following non-governmental organizations had asked to be associated: The World Jewish Congress, the Co-ordinating Board of Jewish Organizations, the International Council of Jewish Women, the World Union for Progressive Judaism and the Women's International Zionist Organization.

75. Mr. AL-BOUAININ (Observer for Qatar) said that the fact that the Commission was giving priority consideration to the situation in the occupied Arab territories, including Palestine, showed the extent to which the world was concerned over the fate of the Arabs who were suffering under the Israeli yoke. The printed media and other world information organs had given wide coverage to the acts of brutality and violence perpetrated against the Arabs in the occupied territories and in southern Lebanon. Those facts or events proved what was further confirmed in the Special Committee's report (A/43/694), that the Zionist authorities had not changed their attitude one bit and continued to defy international public opinion and to endeavour to prevent a commission of inquiry from going to the occupied territories. However, the intifadah, which had already lasted a year, had clearly shown that the Palestinians were resisting that occupation of their territory. As the Secretary-General had said in his report (A/43/806), the Palestinian problem could be solved only by a comprehensive, just and lasting settlement based on Security Council resolutions 242 (1967) and 333 (1973), and taking into account the legitimate rights of the Palestinian people, including self-determination. It was clear that the strategy of the Zionists was at variance with such an aim and that their long-term objective was to modify the demographic structure of the occupied territories, which would subsequently facilitate their full annexation.

76. The violations committed by the Israeli forces were not confined to the Gaza Strip and the West Bank. In the Golan Heights as well, innocent persons had been detained, families dispossessed and economic pressure brought to bear on the population. Lastly, the presence of the Zionist army in southern Lebanon, allegedly to protect Israel's security, constituted a violation of resolutions 425 (1979) and 509 (1989) requiring the withdrawal of Israeli military forces from Lebanon.

77. But Israel could not continue indefinitely to disregard the new world situation typified by the decisions taken by the Palestine National Council at Algiers in late 1988, because those decisions reaffirmed and definitively established the Palestinian people's right to self-determination and to independence. That people would shrink from no sacrifice to attain its end and enjoy at long last its inalienable rights. Qatar supported the efforts of that brother Arab people which, it was convinced, would soon be crowned with success.

78. His delegation supported, moreover, the holding of an international peace conference on the Middle East under United Nations auspices and with the participation of the five permanent members of the Security Council and all the parties to the Arab-Israeli conflict, including the PLO, the sole legitimate representative of the Palestinian people.

The meeting rose at 1 p.m.