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SUMMARY RECORD OF THE 23rd MEETING

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The meeting was called to order at 3.30 p.m.

STATEMENT IN CONNEXION WITH THE SIGNING BY INDIA AND BANGLADESH OF AN AGREEMENT RELATING TO THE GANGES WATERS

1. Mr. MORSHED (Bangladesh) expressed appreciation for the statement made at the previous meeting by the representative of the Syrian Arab Republic concerning the signing on 5 November 1977 in Dacca by Bangladesh and India of an agreement relating to the Ganges waters. He was also grateful for the role played in that connexion by the Special Political Committee, on the basis of whose report the General Assembly had approved by consensus decision 31/404, which had been the initial step in the process culminating in the signing of the agreement. He was pleased to note the part played in the matter by the contact group of the non-aligned countries, consisting of Algeria, Egypt, Guyana, Sri Lanka and the Syrian Arab Republic, and associated himself with the hopes expressed by the Syrian representative that the agreement would be a precedent for future success of a similar kind in the work of the Committee.

AGENDA ITEM 57: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/32/284, A/32/308)

2. The CHAIRMAN stated that, in addition to the documents before the Committee, another document was in preparation at the request of the Permanent Representative of the Libyan Arab Jamahiriya. It would contain the testimony given by two journalists to the Special Committee and would be distributed under the symbol A/SPC/32/L.12.

3. Mr. GOUNDIAM\* (Senegal), Rapporteur of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, introduced the ninth report of that body (A/32/284). For some 10 years, the Special Committee had been making strenuous efforts to serve the principles and purposes of the United Nations relating to the cause of human dignity and peace in the Middle East. As a guarantee of impartiality in the fulfilment of his obligations, he mentioned that he had served for 27 years as a magistrate in Senegal, where he was also Chairman of the National Committee on Human Rights and the Committee on Admissibility to the Status of Refugees. Neither his impartiality nor that of his colleagues who had served longer on the Special Committee could be called into question, simply because their respective countries had broken off diplomatic relations with Israel from the day on which Israel had irrevocably reaffirmed its intention of continuing its policy of violating international law and of disregarding the purposes and principles of the United Nations.

4. The President of Senegal, Mr. Léopold Sédar Senghor, had stated on the occasion of his visit to the Syrian Arab Republic and Egypt, that international peace and security required the evacuation of the territories of the Arab States occupied

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\* The full text of this statement will appear in document A/SPC/32/PV.23.

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since 1967, and the recognition of the right of the Palestinians to set up an Arab State in Palestine, as an essential condition for the peaceful coexistence of all concerned in the Middle East. Those statements conveyed the idea that the Arabs, the Jews and the Christians could, if they wished, establish a secular, unitary, federal or confederated State, with the purpose of living in harmony and on an equal footing.

5. Senegal was not opposed to Judaism, but it was opposed to any expansionist and racist movement, such as zionism. Notwithstanding the cultural and religious ties linking it to the Arab countries, Senegal recognized the Jews' right to live, and had accorded the status of refugees to Jews coming from countries friendly to Senegal. Senegal had also been the first country in black Africa to accept the establishment of an office of the Palestine Liberation Organization (PLO).
6. Some Israéélis, including a journalist from Tel Aviv, had denied that the Africans, whom they characterized as primitive, had any ability to think for themselves; yet the conduct of the State of Israel, which called itself civilized, was not in line with the current definition of "civilization". If civilization was demonstrated by torture, the dispossession of peoples and inhuman treatment, the Africans would prefer to continue being primitive, in the knowledge that the real meaning of primitivism was the combination of their Negro-Arab-Berber values.
7. Africa, which had not invented gunpowder, the machine gun, the gas chamber or the atomic bomb, was richer than the Western world, to which Israel claimed to belong, in many aspects of social life, especially in its ability to dissipate psychological tension and in its treatment of its neighbours. The dignity of one's neighbour was one of the most important fundamentals of all religions, and particularly of the Muslim religion, for which man was the centre of everything.
8. In the territories occupied by Israel, violence led to the plundering and humiliation of others. Such violence dishonoured those who perpetrated it, who were also acting on the basis of the false assumption of racial superiority. The Special Committee had not been able to obtain direct proof of the violence, because Israel had always opposed its repeated requests in that connexion; nevertheless, it had reached its conclusions on the basis of information derived from the Israeli press and from all the other sources of information generally accepted as being sympathetic to the Government. The report thus represented only a part of the reality that existed in the occupied territories.
9. Among the Special Committee's sources of information, mention should be made of the evidence of individuals who had visited the site of the alleged occurrences. Those witnesses had been questioned extremely carefully, as could be seen from reading the records of the meetings of the Special Committee; only apparently reliable information had been taken into account. The Special Committee paid a special tribute to the journalists of the Sunday Times of London who, in the face of many difficulties, had carried out a major investigation into the situation of civilian prisoners. The humanitarian aspect of that work could provide a useful basis for the decisions to be adopted by the General Assembly with a view to improving the situation of the prisoners.

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10. The Special Committee had set out its conclusions in chapter VI. The criticisms made in the past concerning conclusions of that type were not justified, since they were the outcome of logical deduction based on the facts, as reflected in various Israeli sources sympathetic to the Government. For example, the reference to a policy of annexation and settlement should not be ignored; the Government of Israel had itself stated on a number of occasions that the occupation of Arab territories was not to be considered the equivalent of annexation, since, in its view, the territories concerned belonged to Israel. During the current year, Israel had explained its position on the subject for the first time, indicating that the fourth Geneva Convention should not be applied to territories which had not been occupied but "liberated". The intensification of that policy of annexation and settlement had led to the recent approval by the International Committee of the Red Cross of a resolution concerning the violation by Israel of article 19, paragraph 6, of the fourth Geneva Convention.

11. With regard to the deterioration of the conditions of detention for Arabs in the territories, it was not something imagined by the Special Committee, since Mr. Levi, Commissioner General of Prisons for Israel, had himself stated in February 1977 that the overcrowding and promiscuity in the prisons had become unendurable and that the situation could not continue. That was a cry of alarm, revealing the remorse of a moral human conscience. Unfortunately, despite certain promises of reform and despite hunger strikes among the prisoners, there was no proof that steps were being taken to remedy the situation.

12. Furthermore, resistance would cease only when the occupation was ended, and Israel would not enjoy security until the Palestinians returned to their native land. Resistance and demonstrations were therefore still going on. It was stated in the report of the International Committee of the Red Cross for 1976 that, as a reaction to that legitimate liberation struggle, Israel had detained 3,000 civilians for so-called "security" reasons and 400 for ordinary offences.

13. Another problem was the torture and inhuman treatment to which detainees were subjected during questioning. Such cases had been noted in previous reports and had been confirmed by various independent sources such as Amnesty International, in 1970, and the Sunday Times in 1977. In the face of such reports, the Committee had always acted with caution, since direct proof of the accusations was impossible to obtain. Nevertheless, the Committee had ascertained that Israel had taken no effective measures to improve the treatment of persons under interrogation. The exclusive powers of the interrogating official, and the lack of any humanitarian or legal defence against the inevitable abuses, lent credibility to the accusations. The Committee could not give the Israeli authorities the benefit of the doubt, since the proofs were overwhelming.

14. It was to be hoped that the Israeli authorities would respect their international humanitarian obligations and put an end to those brutal and inhuman practices. The Special Committee believed that the international community should have the possibility of going to verify the facts on the spot, since it remained convinced that Israeli practices affecting human rights in the occupied territories were part of a scheme to establish in Palestine and in the occupied territories a Jewish State where there would be no room for any alien element, whether religious or ethnic.

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15. That situation could only lead to a deterioration of the human rights situation in the region and in the world. In that connexion it was necessary to bear in mind the case of Quneitra, the Syrian town of which 90 per cent had been deliberately destroyed, which was dealt with in section V of the report of the Special Committee, in accordance with the request made in General Assembly resolution 31/106 D.
16. The key to the problem was the establishment of sincere international solidarity and increased respect for the world Organization and international conventions on the part of States, so that there could be an end to the occupation of the Arab territories of Gaza, Golan, Sinai and the West Bank of the Jordan, and the Palestinians could be allowed to return to their homeland. The Special Committee, many Israelis and the European Economic Community, which had recently affirmed for the first time the need for a homeland for the Palestinian people, were convinced of that. In other words, that was the virtually unanimous conviction of the United Nations.
17. Mr. MORSHED (Bangladesh), supported by Mr. SIBAHI (Syrian Arab Republic), proposed that the text of the speech by the Rapporteur of the Special Committee should be reproduced in extenso.
18. The CHAIRMAN reminded the Committee that the General Assembly, at its 5th plenary meeting, had decided that, as in previous years, the Special Political Committee would be given the possibility of obtaining transcripts of its debates. If there was no objection, he would take it that the Committee wished the full text of the statement made by the Rapporteur of the Special Committee to be circulated to all members of the Committee.
19. It was so decided.
20. Mr. NAJAR (Israel) said that his delegation believed that the Special Committee and the General Assembly had let themselves be carried away over the past nine years by a campaign of calumny and vilification of Israel, in the service of the war-mongering policy of the Arab States against that country. That evil campaign had reached new heights. His delegation had not come to defend itself, but to denounce the nefarious and deliberate use of the United Nations for ends contrary to its Charter and detrimental to international peace.
21. If the Committee's report (A/32/284) were to be believed, the Arabs living in the territories administered by Israel were being permanently held hostage, their property was being expropriated and pillaged, they were being arrested and imprisoned for no valid reason, they were being judged by unjust courts and were being subjected to abominable tortures while in detention. That disgusting picture, the product of a sick imagination, was the one that Arab propaganda of war and hatred wanted to paint of Israel, and to that end it was using the Special Committee, the well-known automatic majority and the communications' media available to the United Nations Secretariat. In that way, the United Nations was becoming an instrument to propagate perfidious anti-semitism reminiscent of the worst aspects of Nazi propaganda and the anti-Jewish propaganda of the Soviet Union.

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22. It was not possible to remain indifferent to such a manoeuvre. Israel appealed to the forces of the free world represented in the Special Political Committee to unite in denouncing the reprehensible action of the Special Committee and the General Assembly.

23. The prime aims of Security Council resolution 242 (1967) had been to reaffirm the need to solve the Middle East conflict through agreement, to achieve a just and lasting peace between the States of the region and to establish secure and recognized boundaries. The Special Committee had been set up shortly after the 1967 war under the influence of the three "noes" proclaimed at the Arab meeting at Khartoum in September 1967: no recognition of Israel, no negotiation with Israel, no peace with Israel. The automatic majority in the United Nations had then supported that Arab tactic and was continuing, blindly and unwisely, along the same path.

24. As a result of Security Council resolution 338 (1973), Israel had signed two agreements with Egypt and another with Syria. The 1975 agreement between Israel and Egypt had stated that the parties were resolved to reach a just and final peace through negotiations. The recent appeals for peace made by the President of Egypt and Israel's President of the Council contained the seed of a new hope. It appeared to his delegation that it was improper for the delegations of Egypt, Syria and their friends to continue speaking in the Assembly as if the "three noes" he had mentioned remained intact. They should realize that that contradictory attitude cast a disquieting shadow over the intentions of their Governments and seriously compromised their credibility on the eve of the possible resumption of negotiations.

25. What the Security Council was demanding was that the territorial problems should be solved through negotiations between the parties in the context of Security Council resolutions 242 (1967) and 338 (1973). The fact that the Special Committee and the General Assembly refused to understand that was a violation of those resolutions. Likewise, the aim of such negotiations should be to solve the refugee problem. It should be recalled that those negotiations would not be conducted between Israel and the General Assembly, but between Israel and the Arab States.

26. For its part, the Special Committee should refrain from making statements that were contrary to the facts. The Special Committee was surprised that Israel refused to recognize it, although the reasons for its so doing were obvious. It would be better for the Special Committee to investigate the reasons why the Arab States opposed Israel's request that the Special Committee should go to those States to see how they were trampling on the rights of Jews. If that had been done, the Special Committee would have found only the remains of whole Jewish communities that had disappeared, having been liquidated and dispossessed by the same fanaticism that had provoked the Arab war against Israel. At the same time, it would have understood the dimensions of the spiritual, intellectual and historic role of the Jewish people in that part of the world. It would also have been able to verify that it was the Arab States themselves which, by their acts, had most clearly expressed recognition of the fundamental link between the Jewish people and the land of Israel, namely zionism.

27. Since 1948, more than 800,000 Jews had been forced to leave Iraq, Syria,

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Egypt, Libya, Tunisia, Algeria, Morocco and Yemen. More than 600,000 of them had moved to Israel with the consent of those Arab States, which proved that those States recognized that the land of Israel was the natural refuge of Jews. In addition, from the time of the Emperor Titus until the rebirth of the State of Israel in the twentieth century, no other national State had been set up on that land.

28. It was obvious that progress towards peace demanded the encouragement of tolerance and the opening of negotiations in a spirit of mutual respect, without resort to calumny. In his opinion, the Special Committee had taken as its point of departure the thesis that the Arab population of the territories administered by Israel necessarily, by definition, lived in a so-called Zionist hell.

29. Mr. ABOUL-NASR (Oman), speaking on a point of order, pointed out that the item under consideration concerned Israeli practices in the occupied territories, whereas the representative of Israel was talking about administered territories. He asked whether the Committee was considering the same item or some new idea.

30. The CHAIRMAN asked the representative of Israel to keep strictly to the item under consideration.

31. Mr. NAJAR (Israel) said that he did not feel he had departed from the subject at all. On the contrary, he feared he had been interrupted extemporaneously since, in his judgement, it was evident that what he called administered territories were what the Special Committee called occupied territories.

32. The fact that the Special Committee should believe that the Arabs in the territories administered by Israel lived in a Zionist hell was an aberration and a calumny. It was evident that only through a negotiated peace agreement would a definitive solution to the problem of the Arab populations of those territories be found and the framework and forms of their future political integration defined. In the meantime, despite the war, terrorist acts and provocations from many quarters, especially from the United Nations, the Zionist State of Israel had taken far-reaching and constructive action in the territories it administered, demonstrating a profound human concern and scrupulous respect for the cultural and religious identity of the Arab inhabitants. He cited statistics which illustrated how much the situation in Judaea, in Samaria and in the territories as a whole had improved as a result of Israeli administration.

33. Mr. ABOUL-NASR (Oman), speaking on a point of order, asked where Judaea and Samaria were. If they were in the occupied territories, he wished to know what their names were.

34. The CHAIRMAN asked the representative of Israel to observe the rules of procedure and to take into account what the representative of Oman had said.

35. Mr. NAJAR (Israel) explained that Judaea and Samaria were historical terms which corresponded to what, in the language of the representative of Oman, was called the West Bank.

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36. He cited further statistics showing that in the territories administered by Israel the death-rate had fallen, the number of students and schools had increased, there had been an increase in per capita spending by private individuals and a still greater increase in per capita income, the number of automobiles and agricultural tractors had risen, the growth rate of industry and the gross national product had increased, unemployment had been nearly eliminated, complete freedom of the press prevailed and many other improvements had been made.

37. That was the general picture of the so-called Zionist hell, which existed only in the perverse imagination of the enemies of Israel. Although he could give many more details, he would limit himself to stressing Israel's constant effort to promote the growth of professional and labour organizations among the Arab population in order to provide a solid base for its social development.

38. With regard to the applicability of the fourth Geneva Convention of 1949 in the administered territories, and in connexion with the Israeli settlements in those territories, he believed that the position of Israel had already been very clearly expressed by the Minister for Foreign Affairs of Israel before the General Assembly. The head of the Israeli delegation had returned to explain that position once again during the General Assembly debate on agenda item 126.

39. It was not necessary to repeat that the General Assembly was not a judicial organ and that its recommendations had a limited character, in accordance with the Charter. The Government of Israel would maintain the practical attitude which it had adopted since the beginning of its administration. In that respect, he recalled that the guidelines governing the action of the Military Government in the administered territories were in accord with the principles of the fourth Geneva Convention of 1949, despite the fact that it was not applicable in that case. On that practical basis there was, for example, close co-operation between the Israeli authorities and the International Committee of the Red Cross. But it should not be forgotten that the fourth Geneva Convention did not sanction recourse to violence, sabotage or espionage, breach of the law, or perpetration of acts contrary to the security of the State. The administering Power had the right and the duty to punish those guilty of such acts, in accordance with the law.

40. The Government of Israel could affirm that, given the political situation in the area, its administration had been effective, constructive and humane. Since the fourth Geneva Convention had never been applied in any conflict since 1949, there were no grounds for comparison with other cases. If it had been applied during the occupation of the Gaza Strip between 1949 and 1967, it would have been disclosed that a tragic situation had prevailed there.

41. The Special Committee and the General Assembly should refrain from making gratuitous assertions on a legal plane; they should, on the contrary, welcome the fact that the Government of Israel was acting with greater humaneness than was required of it by the fourth Geneva Convention in its administration of the



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administered territories, as was shown, among other things, by the following facts: Israel did not apply the death penalty, the local population had access to the courts, Israel facilitated the freedom of movement of the population, especially for pilgrimages to Mecca, and the Government organized free and democratic elections, none of which measures were provided for by the Convention.

42. In the light of the foregoing, it was difficult to understand why the Arab States regretted that the Arabs in those territories, pending the advent of peace, should have the opportunity to lead decent lives. In all other respects, there was full respect for the cultural and religious identity of the Arab population. The advent of peace would suffice for all the population of the region to find its place in the new political structures.

43. He had already referred to the question of Jewish settlements in the administered territories. However, in the report of the Special Committee (A/32/284) there were references to certain statements of the Minister for Foreign Affairs of Israel before the General Assembly which he could not fail to mention, since the quotations had been patently abridged and two portions of the Israeli Minister's statement had been omitted which were of fundamental importance for understanding the opinion of the Government of Israel. The Minister had said that the Jewish settlements had not led to the displacement of any Arab inhabitant and that no Arab inhabitant had been left homeless as a result of the creation of those peaceful villages. He had also said that the settlements would not determine the borders between Israel and its neighbours. Those borders would be determined through negotiations between Israel and its neighbours. The settlements did not constitute an obstacle to peace for, if that were so, peace would have been achieved long ago.

44. Referring to paragraphs 87 and 226 of the report, entitled "Information descriptive of the situation of civilians in the occupied territories", he observed that, although the Special Committee had said in paragraph 26 of its report that its main purpose was to reflect, as completely as possible, the reality facing the civilian population of the occupied territories, its presentation of the facts was entirely divorced from reality. If any credence were given to those paragraphs, it could be believed that the inhabitants of the territories devoted themselves solely to strikes and demonstrations, to being arrested and suffering expropriations, and that they did not study, work, or enrich themselves, did not reproduce, did not travel, and had no contact whatever with the outside world. That was because the Special Committee had once again used incomplete quotations and had mentioned the same incident two or three times in an attempt to create a cumulative effect.

45. He also pointed out that the report omitted any explanation or commentary concerning the facts motivating the actions of the Israeli authorities which it mentioned. For example, one of the 25 attacks with explosive devices mentioned in the report had been reported in the newspaper mentioned in paragraph 199 under the headline "ONE KILLED - 20 HURT IN PETAHTIKVA BLAST - PLO CLAIMS RESPONSIBILITY". The newspaper article cited in paragraph 210 of the report did not limit itself to reporting the death of a Palestinian, but added that he had

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been carrying grenades and a Kalachnikov and had been responsible for at least 12 acts of terrorism. Paragraph 125 referred to a Jerusalem Post report concerning the arrest of 82 persons, without adding that the same article indicated that they were terrorists, belonging to 10 cells, 6 of which were part of El Fatah and 1 of which was part of the Democratic Front of Nayef Hawatme.

46. Those examples, which he had cited as illustrations, demonstrated that the Special Committee had deliberately neglected important elements of information which could give the Committee a factual picture of the security problems confronting the Israeli administration. That administration would continue endeavouring to prevent the development in the territories of a situation analogous to that which had broken out in Lebanon.

47. With regard to the matter of the village of Deir-Abu-Mash'al, the content of paragraph 180 of the report inspired indignation. It was based on the testimony of Eytan Grosfeld, a young man 21 years of age who was under the influence of the Israeli lawyer Lea Tsemel, a member of the Revolutionary Communist League, a resolute adversary of zionism and of the State of Israel and an ardent ally of the PLO. The Jerusalem Post article of 17 May 1977, far from corroborating the testimony of Eytan Grosfeld, as was suggested in the report, indicated that the Israeli Government had taken all necessary measures to guarantee the security of the inhabitants and to prevent a breakdown of order. From that information and from the facts gathered later by a commission of inquiry appointed by the Israeli army, it could be concluded that the incident probably only amounted to a quarrel between rival Arab clans, which had led to the deterrent activities alluded to by the Special Committee.

48. If the Committee really wanted to know how the Arabs in Judaea, Samaria and Gaza lived, it should bear in mind that the present territorial situation was the result of three wars unleashed by Arab States, and that the only hope for peace lay in negotiation between the States in the region, on a basis of mutual respect and recognition. That was the sense of Security Council resolutions 242 (1967) and 338 (1973).

49. As the Minister for Foreign Affairs of Israel had said in his statement of 10 October, the main obstacle to peace was Arab refusal to recognize Israel's right to national sovereignty in the historical homeland of the Jewish people. Pending such recognition, Israel was trying to create conditions for the day-to-day coexistence of Jews and Arabs and, despite the actions of opposing forces, a common life which extended beyond the Jordan boundary was taking shape. Between 1968 and 1976, more than 5.5 million people had crossed from one bank of the Jordan to the other, in both directions.

50. Generally speaking, the territories presented a picture of prosperity and security, ensured by the constant vigilance of the Israeli administration, which the inhabitants, regardless of their political sentiments, did not want to see disturbed, since they had no desire to be dragged into tragic events like those in Lebanon.

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51. The Arabs in the territories no doubt remembered that during the British Mandate the Mufti of Jerusalem's men - the Mufti had been the spiritual father of the PLO - had killed more than 1,200 Arab civilians and 2,000 members of the Arab groups opposing him, a figure five times greater than the total number of Jewish and British dead. They undoubtedly feared a repetition of that if the PLO appeared on the scene.

52. During the turbulent election year which had just ended for Israel, the situation had been more tranquil in the territories than in the rest of the country. Apart from direct actions against terrorist groups and attacks committed by such groups, minor problems caused by business strikes resulting from the imposition of the value-added tax, and traditional demonstrations on all significant anniversaries, only two major political events had occurred since October 1976 - the incidents at Hebron and the demonstrations in support of the prison strikers.

53. The Jewish presence in Hebron had been brutally ended in 1929 by the Arab massacre; Jews had not been able to return until after the 1967 war. In order to prevent clashes, Israel had created a new quarter outside the city proper. On 20 June 1967 there had been promulgated the law on protection of the Holy Places, guaranteeing free access to them for the adherents of all religions; detailed regulations, accepted by both Moslems and Jews, had come into effect in 1975.

54. In October 1976, at the time of the incidents mentioned in the report following charges of sacrilegious acts by both sides, the good sense displayed by Jewish and Moslem religious leaders, by the Government of Israel and by the Mayor of Hebron had succeeded in cooling tempers and there had been no loss of human life. The convening of the Security Council, at the request of the Arab States, had proved to be unnecessary. That was all there was to what the Special Committee called harassment of the city's Arab population. He wondered whether the members of the Special Committee would wish that Holy Place to be closed to Jews and Christians; fortunately, the religious leaders of the Hebron Arabs were not as blind as the Special Committee.

55. The hunger strike at Ashkelon Prison had been part of an essentially political move, which was not surprising, since the prisoners were persons convicted of attempts against the security of the State. The purpose of the strikes had been to provoke sympathy demonstrations in the territories, but those demonstrations had been minor and easy to control. The Ashkelon hunger strike had started with 215 prisoners, but the number had quickly declined to 166. None of the prisoners had resisted artificial feeding, and none had had to be hospitalized. There had been limited sympathy strikes at the prisons in Jenin and Nablus. All the strikes had ended following an agreement with the Red Cross on a few token changes in the rules for prisoners.

56. The only reservation expressed by the Red Cross in its 1976 report on Israeli prisons had concerned the limited capacity of the prisons, plans had already been put into effect to improve conditions, in the first instance for 1,000 prisoners. The Red Cross delegate in Israel had expressed his satisfaction at the considerable

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improvement in prison conditions. It was better to hold 2,800 prisoners, who were well fed and well treated in every respect despite overcrowded living conditions, than to suffer 50,000 dead, 100,000 wounded and a million refugees like unhappy Lebanon, which for too long had been blind to the dangers created by the settlement of armed, ambitious and cruel Palestinian terrorists.

57. The report of the Special Committee contained serious accusations against Israel. For example, paragraph 254 stated that Israeli tribunals were not fair, and in paragraph 255 the Committee associated itself with the Sunday Times inquiry and with the method of work adopted by its authors, arriving at the conclusion that in Israel prisoners were systematically subjected to torture. Those charges represented a campaign of slander to which the Special Committee had deliberately lent itself and whose underlying approach was clear the moment one saw on whose testimony the Committee's conclusion was based. The Sunday Times reporters, for some reason violating the most basic rules of their profession, had been very careful not to check their information with the Israeli authorities.

58. Mr. Denis Payot, Acting Secretary-General of the International Federation for the Rights of Man, had been expelled from the Federation because of his suspicious behaviour in connexion with matters related to Algeria, the Sahara, Spain, Iraq and Israel. The Reverend Humphrey Walz was a well-known opponent of the State of Israel and of Zionism and was connected with the Arab Information Office in the United States. Professor John Quigley held views so hostile to Israel that, as he himself had said, he had not even been able to gain acceptance of them by the National Lawyers Guild, even though the Guild was no friend of Israel's, since even before beginning a study on the situation in the territories occupied since 1967 it had prejudged the matter in referring to "violations of human rights by the Government of Israel". At the same time, it had distributed a pamphlet written by Abdeen Jabara, the President of "Arab American University Graduates" and editor of the publication Free Palestine, which was the organ of El Fatah in the United States. Professor Quigley's statements to the Special Committee were a mere repetition of Abdeen Jabara's pamphlet.

59. That shady individual, Denis Payot, had visited Iraq at the invitation of the Government and had sent a letter dated 17 June 1977 to the Secretary-General of the United Nations praising the behaviour of the Government of Iraq to the Kurdish nation, just when the Chairman of the League for Human Rights, Mr. Roger Baldwin, was saying that an attempt was being made to destroy the Kurdish ethnic group and the Secretary-General of the Anti-Slavery Association of London, Col. Patrick Montgomery, was condemning the sentencing to forced labour, mutilation and death by torture of many Kurds in Iraq. The fiction of the autonomy of Iraqi Kurdistan and the mass deportations of Kurds had been condemned by Le Monde Diplomatique in August 1977.

60. Mr. AL-ATIYYAH (Iraq), speaking on a point of order, said that the item under consideration concerned Israeli practices affecting the human rights of the population of the occupied territories, but that the representative of Israel was avoiding the subject by slandering Iraq and other countries.

61. Mr. SIBAHI (Syrian Arab Republic), referring to the same point of order, supported the observations of the Iraqi delegation and said that the representative of Israel had departed from the subject under consideration. If the Israeli delegation wanted to submit a new item, for example, the question of Jews in the Arab world, he was free to do so but he would have to obey the provisions of the rules of procedure of the General Assembly with regard to the inclusion of additional items. In the meantime, his delegation asked the Chairman to take the necessary steps to ensure that the discussion remained relevant to the item.
62. The CHAIRMAN repeated his request to the Israeli representative to confine himself to the item under consideration, which was the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.
63. Mr. NAJAR (Israel) said that he had confined himself to referring to persons who had been questioned by the Special Committee and were mentioned in its report; he believed that he was entitled to call into question the personal qualities of those who, like Mr. Payot, had given testimony on the matter under consideration. In his view, therefore, he had not departed from the item, since it was not his fault that Mr. Payot had written the letter in question concerning the position of Kurds in Iraq which had caused so much commotion.
64. Mr. Daniel Meyer, President of the International Federation for the Rights of Man, had stated that the Federation entirely disagreed with the letter written by Mr. Denis Payot on 17 June 1977, eight days before the expiry of his term of office as Acting Secretary-General of the Federation. Subsequently Mr. Meyer had stated that, according to the most recent investigations by representatives of the Federation, the position of the Kurds in Iraq could not be reconciled with the reassuring conclusions transmitted by Mr. Payot, Chairman of the Swiss League for Human Rights to the Secretary-General of the United Nations.
65. Mr. AL-ATIYYAH (Iraq), speaking on a point of order, said that he would be compelled to continue interrupting the representative of Israel if that representative continued to refer to matters irrelevant to the item under discussion. Moreover, the representative of Israel was trying to insult other countries.
66. The CHAIRMAN again asked the representative of Israel to confine himself to the item under discussion.
67. Mr. NAJAR (Israel) said that he considered he had the right and the duty to speak about the credibility of Mr. Payot as a witness before the Special Committee. It was not his fault that Mr. Payot had dealt with Iraq.
68. According to the Winter reporter, Mr. Denis Payot maintained close relations with the Government of Iraq and the Palestine Liberation Organization, and in particular with the Rejection Front, headed by George Habbash. That group had apparently put Payot in touch with the kidnappers of Dr. Schleyer, who had subsequently been murdered. The Tribune de Genève had reported that Mr. Payot had submitted a bill for his fees to the Government of the Federal Republic of Germany.

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69. In any case the so-called report of the Swiss League for Human Rights on the territories was commonplace and fallacious. That Israel tortured its prisoners and violated human rights was just as true as that the Kurds were happy in Iraq. Both were aspects of Denis Payot's falsehoods.

70. All those people from whom the Special Committee had drawn its inspiration had acted in the same way. They had made contact only with Arabs; they had used to the full the total freedom of movement and contact that prevailed in Israel but had refrained from having any interviews with qualified representatives of the courts, the police, the army or the administration of Israel.

71. The Special Committee had known perfectly well when writing its report that it had only information supplied by the PLO and by the enemies of Israel and that on being published by the information services of the United Nations Secretariat, the report would acquire apparent credibility. Nevertheless, the accusations of the Special Committee were highly improbable, since they could not be reconciled with the open character of Israeli society, in which contacts between the Jewish and Arab populations and the outside world were subject to no control whatsoever. In particular, the Arabs in the territories were in continuous and permanent contact with the whole of the Arab world.

72. More cautious than the Committee, the two journalists from the Sunday Times - who had never explained, moreover, why they had avoided all contact with responsible Israelis - had demanded that the Committee should state on their behalf that, in allegations of torture, absolute proof could not exist. He would explain later the reasons for their caution.

73. Indignant at the articles in the Sunday Times, Mr. Gabriel Bach, State Attorney of Israel, had on 29 July 1977 held a press conference at Jerusalem for the Israeli and international press. It was strange that no word of that appeared in the Committee's report, although it kept a very close watch on everything that was published in Israel.

74. On that occasion, the State Attorney had declared that Israel was proud of the high quality and reputation of its judicial system and that all citizens and residents of Israel could ask to be heard directly by the High Court of Justice if their rights were violated by any government authority. The State Attorney had added that that safeguard of human rights was a corner-stone of the Israel judicial system. He had said that not only Israeli judges but all judges throughout the world who had experience of criminal cases reviewed complaints of ill-treatment or torture of prisoners with healthy scepticism, unless there was independent evidence corroborating them. In the case of crimes against security, an entire terrorist cell composed of a number of persons was sometimes detained. It could happen that they competed among themselves as to who would confess first, since to do so might be regarded as an extenuating circumstance. Nevertheless, such persons, fearing for their lives if the others discovered that they had confessed voluntarily, said that they had been tortured.

75. He noted that most of the information in the Sunday Times came from people who

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had been tried and, in many cases, convicted by Israeli courts for participation in acts of terrorism. The State Attorney's observations applied exclusively to those persons. With regard to the military courts, the State Attorney had said that their judges were always extremely painstaking in matters of procedure so that the slightest suspicion that improper methods had been used to obtain a confession ruled the confession out as admissible evidence.

76. The State Attorney had also said that, in the case of offences against public security, it was often absolutely essential to prevent detained persons from communicating with one another. Even the Geneva Convention relative to the Protection of Civilian Persons in Time of War recognized, in article 5, that in occupied territory, where the security of the occupying Power was involved, certain rights of communication could be denied with a view to taking other persons into custody and making possible a complete investigation of offences which could threaten the security of the occupying Power.

77. He noted that in September the Government of the Federal Republic of Germany had enacted a law which denied convicted terrorists all contact with their lawyers. In that case, only one group of terrorists had been involved; Israel, on the other hand, had to deal with some 10 different terrorist groups which were firmly established in neighbouring countries, with thousands of agents in Israeli-held territory, and were seeking to disrupt life in Israel by attacking Arab and Jewish civilians. Despite those difficulties, Israel was remaining within the limits established by the Geneva Convention, which it was applying with great moderation. That was evident from the fact that in 1976 most of the people detained for offences against security had been fined, 730 had received prison sentences and 408 had been acquitted.

78. Turning to the reports published in the Sunday Times, he said that what he found most surprising was the fact that the authors had backed away from their original accusations. At the end, they cited a statement by the official representative of the Red Cross in Israel to the effect that he did not believe that there was systematic torture authorized and approved by the authorities in Israel. In view of that, the Special Committee should be asked why it had felt entitled to give greater credence to certain journalists with a taste for sensationalism than to the official representative of the Red Cross. He would also like to know what right the Special Committee had to credit the fanciful theory concocted by the Sunday Times that there was collusion between Israel and the International Red Cross in concealing or watering down allegations of torture.

79. The answer to those questions was undoubtedly that the members of the Special Committee were blinded by their prejudice against Israel. His Government rejected the accusations levelled against the Israeli judicial system, and he noted in that connexion that a number of prominent British lawyers had responded to the articles in the Sunday Times by stating that the members of the Israeli judiciary were obviously completely independent in their actions.

80. He only regretted the fact that Arab oil and hatred had turned the United Nations into an instrument of contemptible anti-Semitism which was no longer even

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disguised. In his opinion, there were two types of delegation: those which had decided to condemn Israel come what may, and those which were seeking the truth. If what he had already said was not sufficient for delegations of the latter type, he could provide them with the complete text of the statements made by the State Attorney, Mr. Bach, at his press conference in June 1977 and with photocopies of an 11-column article in the Jerusalem Post by the journalist David Krivin, in which the latter gave his reasons for refusing to appear before the Special Committee and rebutted the Sunday Times' accusations point by point. The best procedure would clearly be for the Secretariat to circulate those two documents so as to make everyone's work easier.

81. Israel was neither the biggest nor the most important country in the world, and there was something odd about the fact that the General Assembly devoted so much time to attacking it. Israel, for its part, would not have the slightest objection to seeing the discussion broadened to deal with the real problem, i.e. to seeing a serious comparative study made on the situation with regard to human rights in all Member States.

82. Turning to the question of Quneitra, he recalled that it had been returned to Syria in 1974, thus ceasing to be occupied territory, and he therefore wondered what reason the Special Committee had for continuing to deal with the matter. As far as he knew, Syria was not a United Nations protectorate, so that the Special Committee was not competent to concern itself with the question. Similarly, the General Assembly had no authority to supersede States in the exercise of their rights and obligations.

83. It should be remembered that Syria had waged three wars of aggression against Israel: in 1948, 1967 and 1973. Quneitra had been occupied by Israel in June 1967 and there had been frequent exchanges of artillery fire between 1967 and 1973. In the latter year, Syrian aggression had resulted in new fighting and bombardments in the Quneitra area. The destruction caused by six years of war had been noted by all those who had visited the city during the Israeli occupation, and in that connexion he cited statements published in newspapers in various countries which showed that the present case was one in which a slander was being constantly repeated in the hope that, through repetition, it would come to be regarded as the truth.

84. The objectivity of the Special Committee's previous report had already been suspect, but the present report was even more disturbing. Syria was obviously seeking to erase the memory of the fact that it had unleashed three wars of aggression and that it had itself caused the destruction of Quneitra. His delegation, for its part, would not permit itself to be drawn into that type of irrelevant discussion. He would merely state that, since Quneitra was no longer occupied by Israel, the question did not concern either the Special Committee or the General Assembly; moreover, the Assembly was not a court and it possessed only the power to adopt recommendations of the limited, relative kind provided for in the Charter.

85. In the light of everything he had just said, he suggested that the Special

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Political Committee should concentrate its efforts on adopting a single recommendation in which Israel and the Arab States were invited to initiate peace talks as soon as possible within the framework of Security Council resolutions 242 (1967) and 338 (1973).

86. Mr. BAROODY (Saudi Arabia) said that there could be no worse practice in the occupied territories than the denial to the Palestinians of their homeland. In his interminable diatribes, Mr. Najjar had referred to the ancestral land of the Jews. But he should also mention the rights of the Palestinians. It was true that the Jews had spent 600 years in the land which the Bible called the Land of Canaan, but the Arabs had been in Spain for 800 years and had not laid claim to it. Therefore the argument was not valid.

87. Furthermore, it should be borne in mind that many Palestinians had been Jews who had subsequently converted to Christianity and then to Islam. Zionism was no more than a political idea that had arisen in central Europe. And it should also be borne in mind that religion did not make a nation.

88. If there was goodwill, and if Israel really wanted peace, it should allow its troops to be replaced by United Nations forces. However, Israel wanted to go ahead and continue to create settlements because it was merely pursuing economic aims. For centuries there had been no Jewish problem in the Arab lands. The Jews who had been living in those lands and who, according to the representative of Israel, had been the victims of terrorism, had been appalled at the acts committed by the Zionists in Palestine.

89. He thanked the representative of Senegal and the other members of the Special Committee for their report and said that, at the Committee's next meeting, he would repudiate the statements made by the representative of Israel.

90. Mr. SIDOROV (Union of Soviet Socialist Republics), exercising his right of reply, said that in his statement the representative of Israel had slandered the Soviet Union. He considered it beneath his dignity to reply to those calumnies. He would simply point out that it was not the first time that Israel had resorted to such slander for the sole purpose of distracting the Committee's attention from the item under discussion, namely the question of the constant and flagrant violations by Israel of the human rights of the population of the occupied Arab territories, the question of the practices and policies applied by the Israeli authorities with a view to securing the annexation of the occupied Arab lands.

91. Mr. SIBAHI (Syrian Arab Republic), speaking in exercise of his right of reply, said that, according to the representative of Israel, the report of the Special Committee was no more than an attack on his country, since the occupied territories were an earthly paradise. It was for the Committee to decide whether the truth lay in Israel's categorical denials of the successive reports of the Special Committee or whether it lay precisely in those reports. The ninth report was the main document on the item. It had been prepared by a committee selected by the international community for the purpose of remedying an abnormal situation which had continued for more than 10 years. Through an examination of conscience the

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(Mr. Sibahi, Syrian Arab Republic)

international community had found the truth, but Israel continued to show contempt for the sufferings of the Palestinians in the occupied territories and to deny specific facts, such as the destruction of Quneitra.

92. His own country had always desired peace, but a lasting, just and equitable peace, not a divided peace such as that mentioned by the representative of Israel when referring to the agreements on disengagement of his country's forces with Egypt and Syria. That was an imposed peace, which the Arabs rejected as long as the rights of the Palestinians went unrecognized. Peace could not be achieved in the context of occupation or in accordance with Security Council resolution 242 (1967), which Israel had referred to. That resolution contained omissions that needed to be remedied, as had been shown in recent debates in the Security Council. It was like the resolutions adopted in 1949, when the membership of the United Nations had barely numbered 50 nations. Israel and its friends must realize the importance of the changes that had taken place in the composition of the international community. It was also necessary to take account of the General Assembly's resolutions on the subject.

93. Syria did not want a selective peace from which Israel could single out certain aspects and overlook others. Everything would be different if Israel were prepared to withdraw from the occupied territories and allow them to be returned to the Palestinians. Peace could not be achieved if certain parties insisted on making statements, such as that recently made by the Prime Minister of Israel, to the effect that Judaea and Samaria were Israeli territories, and that new settlements could therefore be established there.

94. If the delegation of Israel was going to continue to repeat the same speech all the time, it would be better if it submitted its conclusions to the Special Committee. As for the slander regarding Quneitra and the quotations from foreign newspapers, he would make a full reply on those matters in the next few days.

95. The CHAIRMAN suggested that the list of speakers in the general debate on item 57 should be closed at the end of the morning meeting on Tuesday, 15 November. If there were no objections he would take it that the Committee agreed to that suggestion.

96. It was so decided.

The meeting rose at 6.50 p.m.