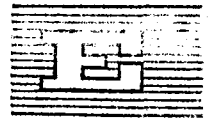
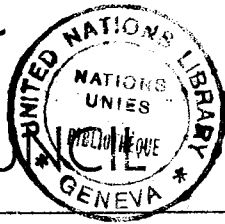


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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1482nd MEETING

held at the Palais des Nations, Geneva,
on Thursday, 15 February 1979, at 4 p.m.

Chairman

Mr. BEAULNE

(Canada)

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of the session.

The meeting was called to order at 4.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1307; E/CN.4/1308; E/CN.4/1309; E/CN.4/1339; E/CN.4/L.1419) (continued)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1313; E/CN.4/Sub.2/404, Vol. I, II, III; E/CN.4/Sub.2/405, Vol. I, II) (continued)

1. The CHAIRMAN announced that, after consulting the members of the Bureau, he had decided to close the list of speakers on items 4 and 9 the next day, Friday, 16 February, at 1 p.m., and to set the deadline for the submission of relevant draft resolutions at 6 p.m. that day.
2. Mr. ARMALIE (Observer, Palestine Liberation Organization), speaking under rule 70 of the rules of procedure, said he would confine his remarks to item 4 and reserve his right to speak later on item 9, if the Commission so agreed.
3. He outlined the origins of the problem under consideration so as to bring it into proper focus once again because he feared that certain members of the international community would adopt an attitude of apathy and even indifference to a problem which threatened international peace and security, since the repetition of the criminal acts perpetrated by the occupier against a peoples subdued by brute force and repression: annexation of land, creation of settlements, iniquitous expropriations, large-scale arrests, deportations, torture in prison, etc. was making them commonplace.
4. Since the birth of the Zionist State in 1948, foreign hordes from almost everywhere, invoking outdated biblical myths and, above all, using terrorist violence, had settled in a land which did not belong to them and never had done, evicting the Arab inhabitants from their lands and homes, forcing them to disperse and ruthlessly seeking to annihilate them physically and politically. The Palestinian Arab people had been martyred both under the British mandate and under the racist and oppressive Zionist régime; it had completed several stages on its road to Calvary - the first one being the Balfour Declaration of 1917 - and there was no knowing how many more were yet in store for it. But one thing was certain - it would continue its heroic resistance to Zionist occupation, and was justified in expecting that the international community's unflagging concern would be commensurate to the injustice it was suffering.
5. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories (A/33/356), which was to be congratulated for its high standard of integrity and keen sense of justice, bore witness to the Zionist régime's practices. There was, first, its policy of expansion and colonization, which it no longer attempted to disguise but had frenziedly pursued after the three-month "freeze" decided upon following the Camp David meetings. It had even been referred to in the Israeli press and indeed described in the Monde Diplomatique of January 1979 by the Israeli writer Amnon Kapeliouk, who had explained that the programme to establish Israeli settlements on the West Bank of the Jordan over the next five years entailed the setting up of 84 communities capable of accommodating 27,000 Jewish families,

that a credit of £600 million had been opened for the expansion of existing settlements on the West Bank of the Jordan, in Gaza and on the Golan Heights, that preparations were in hand for the building of a new town between Jerusalem and Jericho, and that large-scale projects were being drawn up in Jerusalem itself to expand the Jewish districts built since 1967 in the Arab part of the city, where 20,000 dwelling units had already been constructed for Israelis. In order to ensure water supplies for the Jewish colonies the Israelis would, of course, continue to exercise control over West Bank sources - which meant, for the Arab inhabitants, a shortage of water and a reduction in the amount of arable land available.

6. It would be interesting to know what the representative of the United States - a country which had always unconditionally supported the Zionist State and made observance of human rights a cherished slogan of its foreign policy - thought of those Israeli practices and of the reports recently published in the United States press, quoting the report of the United States Congress in which the State Department affirmed that the Israeli authorities had "systematically" ill-treated Palestinian detainees in Israeli prisons.

7. The Commission had already expressed concern at those practices during its thirty-third session in a telegram it had sent to the Zionist State but had so far remained unanswered. The Special Committee had described them year after year, in reports it had been submitting since its establishment, basing its assumptions on eye-witness accounts since it was not allowed to visit the occupied Arab territories. Its assumptions had been confirmed by leading Israelis such as Israel Shahak, Chairman of the Israeli League for Human Rights, and the Israeli lawyers Felicia Langer and Lea Tsemel who had had to defend Palestinian Arab detainees; they had likewise been confirmed in a scrupulously documented report published by the Sunday Times of London in 1977, and again at the present time by Mrs. Johnson, a former United States consular official, at one time posted to Israel, who had sent dispatches to the State Department of the United States drawing attention to "the systematic use of brutality, involving trained staff, high-level administrative support and a protection system which can have complaints quashed and inquiries blocked ... Those brutal measures include the following practices: refrigeration, use of electricity, hanging by the hands or feet, extreme forms of sexual sadism, and denial of food and sleep." The Israelis had made out that Mrs. Johnson was insane, but the United States had rightly rejected their charges, describing them as "repugnant lies".

8. As was to be expected, the representative of the Zionist State had categorically denied, at the previous meeting, the accusations of torture. In that connexion, Mr. Armelie requested that the International Committee of the Red Cross, an organization highly regarded by PLO for its efforts to promote the implementation of international humanitarian law, should be authorized to visit Palestinian Arabs imprisoned in Israeli jails immediately after their arrest and not 14 days later, as was the case at present. But one matter which the Zionist leaders could neither "categorically deny" nor conceal was the odious practice of dynamiting or walling-up Arab houses; it had been thought that that form of collective punishment had disappeared with the downfall of nazism, but the Zionists had revived it for their own purposes, in violation of the 1949 Geneva Conventions, and did not even disguise the fact since the

Israeli General Abraham Orly, Co-ordinator of the military Government of the West Bank, had himself stated, in December 1978: "the destruction of the houses of individuals suspected of having committed acts of terrorism is an effective and deterrent method".

9. He reaffirmed that the Palestinian Arab people had no recourse other than armed struggle to recover the national rights of which they had been deprived, and that they were prepared, more than ever before, to make any sacrifice in order to win their freedom and independence, being strong and proud of the support and solidarity of the peoples of the world, particularly the oppressed peoples of Azania, Namibia and Zimbabwe and, through them, of all the peoples of the black continent -- a solidarity which had recently been confirmed by the victory of the Iranian revolution, with its slogans against imperialism and Zionism. The downfall of the imperial régime in Iran, which had made systematic violations of human rights its code of conduct, sounded the knell for other régimes whose policies were based on such violations; in the words of Yasser Arafat, President of the PLO, "The victory of the Iranian revolution is a victory for the Palestinian people".

10. Mr. M'BAYE (Senegal), speaking on item 4, stressed the importance of the documentation submitted, particularly the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/33/356). Senegal was a member of that Committee, together with Sri Lanka and Yugoslavia. He himself had taken part in its work and was therefore familiar with its methods. The Special Committee had assembled a considerable amount of information from official and unofficial bodies, the press, Israeli authorities and a large number of witnesses, and films had been shown for its use. The Committee had sifted all that information carefully and had retained only such items whose authenticity was practically beyond question.

11. He also stressed that the views held by his delegation over the previous 10 years concerning Israeli practices in the occupied Arab territories had not been influenced by political considerations. Senegal had indeed modified its relations with Israel -- severing them so as not to sanction a policy which disregarded international law, particularly the fourth Geneva Convention of 12 August 1949. But it was not disapproval of Israeli policies that determined the Senegalese delegation's position on the question under consideration, for his delegation had approached the Commission's work solely from the viewpoint of the protection of human rights, and sought to alleviate human suffering regardless on whom or by whom it was inflicted. In the present case the victims were the Palestinians. Referring to the film "Holocaust", which had recently been shown on television, he said that the sufferings inflicted on the Jewish people by nazism was an affront to the dignity of all mankind, but he also felt that such misery and the despair it produced were the same regardless whether the victims were Jews or Arabs. When he had sat on the Special Committee, he had obtained an insight into the wretched plight of the Palestinians; he had heard dozens of witnesses speak of their detention, of torture, humiliation, and families separated, and feared that the resulting bitterness would make the Middle East a forbidden land, even if peace was restored there. However, it was not yet too late for Israel to change that situation by renouncing its doctrine of a national homeland and reconsidering its refusal to entertain the idea of a hybrid culture and co-operation.

12. Unfortunately, in its report, the Special Committee clearly indicated that Israel was continuing to violate human rights in the occupied territories; he drew attention, in particular, to the conclusions in paragraph 127. In the first place, it was astonishing that Israel was refusing to co-operate in any way with the Special Committee, which was not showing any partiality. If the situation in the occupied territories was as good as Israel claimed, it was difficult to understand why that country was making it so difficult for the Committee to gain access to them.

13. In the second place, Israel claimed that the Geneva Convention Relative to the Protection of Civilian Persons in Time of War was not applicable to the occupied territories. That position was challenged by United Nations bodies. Moreover, according to a recent report by the International Committee of the Red Cross (ICRC): "ICRC, for its part, has always considered that the conditions for the application of this Convention have been met." The circumspection of ICRC and the high calibre of its jurists revealed the extent of Israel's obstinacy. However, Israel had added that, although in its view the Convention was not applicable, it was nevertheless applied de facto. That was also untrue. In fact, faced with mounting evidence, Israel no longer made any secret of its wish to annex certain parts of the occupied territories. In that connexion, he referred to the map annexed to the Special Committee's report, showing the many settlements established since 1967 on the West Bank, in the Gaza Strip and on the Golan Heights. Israeli practices in that respect were in violation of articles 47 and 49 of the fourth Geneva Convention, concerning annexation and the transfer of civilian populations. Moreover, the practices of the military courts mentioned in the report of the Special Committee, whereby criminal liability was attributed to certain persons for offences committed by others, violated the provisions of article 33 of the fourth Geneva Convention. Israel's continued destruction of houses by way of reprisals, referred to on page 9 of the report, was also formally prohibited in article 53 of that Convention.

14. The Israeli occupation in itself was a violation of human rights, as the Special Committee had noted, and it was accompanied by ill-treatment of the Palestinians. To be sure, in December 1977 ICRC had noted an improvement in the situation of prisoners, but in fact it had merely amounted to an agreement reducing from 18 to 14 days the period for notifying arrests for security reasons. He did not yet have any information on the implementation of that agreement. Again, only recently, the international press had reported cases of ill-treatment described by witnesses. In fact, it would seem that prison conditions had deteriorated. In that connexion, he referred to a report by Lea Tsemel, an Israeli lawyer, on the Beer-Sheba prison, published in September 1978. According to Red Cross estimates, 3,081 nationals of the occupied territories were in prison at the end of 1977, but the figure was undoubtedly higher. In any event, according to ICRC the number had increased at the beginning of 1979. Confirmed cases of torture were described in paragraphs 118 et seq. of the Special Committee's report.

15. In conclusion, it was apparent, on reading the report of the Special Committee and various documents concerning the situation in the occupied territories, that Israel was violating human rights in those territories. To remain silent in the face of such violations would be to behave like the silent witnesses of the arrests of Jews during the Second World War. Israel's attitude could not be justified by the fact that other States, like South Africa, were acting in the same way. Nor could it be justified by the alleged improvement in the economic situation of the inhabitants of the occupied Arab territories. Such arguments were even shocking:

the right to self-determination was the most cherished right of every human being. After referring to his country's desire, expressed by President Senghor, to contribute to the establishment of peace and co-operation in that part of the world, he said he hoped that Israel would understand, in its own long-term interest, as well as that of its neighbours, that the future belonged to just causes.

16. Mrs. RAADI-AZARAKHCHI (Iran) said that no-one could better testify to the tragedy of being deprived of fundamental rights and freedoms than the Iranian people. Her delegation was profoundly concerned by all cases of violations of human rights and by all that stood in the way of the promotion of those rights.

17. The violation of human rights in the occupied Arab territories, including Palestine, was a particularly alarming problem, seriously jeopardizing the application of the principles which the United Nations was endeavouring to promote. Unfortunately, the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, of whose objectivity there could be no doubt, did not hold out any promise of an improvement in the situation. The policy of colonization and annexation pursued by the Israeli authorities was a gross violation of the fundamental right of the Palestinian people to self-determination, involving every kind of violation of the civil and political liberties of the population (arbitrary arrest, conditions of detention, torture and degrading treatment) and countless infringements of the fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. That policy, which had aroused indignation in the international press, deliberately ignored the principles recognized by the international community in the field of human rights.

18. It was the Commission's duty to persevere in its search for a solution which would put an end to the tragedy of hundreds of thousands of human beings, despite a painful reality which often thwarted its efforts. Her delegation would therefore view favourably any proposal likely to help bring about a real solution of the problem.

19. Mr. FISCHER (Federal Republic of Germany), referring to agenda item 9, pointed out that the universal right to self-determination was proclaimed in the Charter of the United Nations, in the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)) and in article one of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)). It was in order to make it clear that that right applied to all peoples, without distinction as to race, religion or regional considerations, that the Commission had changed the wording of that agenda item.

20. The Federal Republic of Germany, whose Constitution enshrined the right to self-determination, had always shown deep respect in its foreign policy for that right, to which it had adopted a universal approach, as shown by its ratification of the two international covenants on human rights. Being in favour of the independence of all countries, it had consistently supported the speedy elimination of the last vestiges of colonialism and respect for the right to self-determination in all parts of the world (principle VIII of the Final Act of the Conference on Security and Co-operation in Europe, adopted at Helsinki in 1975).

21. His country's policy in Europe had always been to work for peace in a Europe in which the German nation would recover its unity through free self-determination.
22. That right implied that peoples should be able to express themselves freely through elections, as required by article 25 of the International Covenant on Civil and Political Rights; the right had to be applied without the use of force, which his country had consistently rejected. The Federal Republic of Germany participated in United Nations efforts to bring about the application of the right to self-determination in Namibia, which were also supported by the Security Council and the international community; it would continue to encourage Namibia's peaceful accession to independence, just as it would not deny its support to other peoples in their legitimate endeavour to establish their right to self-determination.
23. In its Declaration of 29 June 1977, the Council of Europe had defined the principles on which a peaceful, just and lasting settlement of the Middle East conflict should be based. He was gratified by the accession of the Solomon Islands and Dominica to independence and welcomed them as the 150th and 151st Members of the United Nations.
24. Mr. Gros-Espiell had rightly stated in his study that the right to political self-determination was meaningless unless it was accompanied by economic self-determination. That was why the Federal Republic of Germany endeavoured to contribute to the economic development of newly emerging States. In that context, he emphasized the important role of the dialogue between industrialized countries and developing countries, and cited as an example the Lomé Convention concluded between the European Community and 55 African, Caribbean and Pacific States. His Government hoped that other groupings of States would endeavour to promote such international economic co-operation in accordance with the wishes expressed in the final communiqué of the Bonn Economic Summit Meeting of 17 July 1978.
25. Only the practical application of the right to self-determination in all parts of the world would make it possible to establish a peaceful and just world order; that was the goal of his country's policy.
26. Mr. MEZVINSKY (United States of America), speaking in exercise of his right of reply to the statement made at the end of the 1481st meeting by the representative of the International Indian Treaty Organization, said that some of the accusations made against the United States Government were serious and that he had hitherto been unaware of some of them. His delegation would nevertheless consider and reply to them in the Commission at a later stage.
27. In the United States, whose history was not unblemished and in which there had been successive campaigns for recognition of civil rights, women's rights (Equal Rights Amendment), the rights of "Chicanos", rights of minorities, etc., every citizen, had a number of means through which to assert his rights, such means being characteristic of a democratic society (political parties, representatives to Congress, or courts in which the accused had the right to legal assistance). Direct appeals could also be made. A recent example had been the demonstration organized in Washington by several thousands of Indians wishing to secure respect for their civil, political, economic, social and cultural rights.
28. The various courts recognized the rights of citizens to air their grievances in that way; he would like to see all countries represented in the Commission authorizing such open criticism of their dealings through a free press, an independent legal system or peaceful demonstrations.

29. Mr. FRAMBACH (Observer for the German Democratic Republic), speaking at the invitation of the Chairman in accordance with rule 69 of the rules of procedure, said that the existence of two sovereign and separate German States had been part of incontestable European reality for 30 years. The system of treaties concluded in Europe and the Final Act of the Helsinki Conference should dispel any ambiguity on that subject in terms of international law and international policy.

30. In exercise of its right to self-determination, the German Democratic Republic had decided irrevocably in favour of socialism, and was an integral part of the socialist community. Any attempt to disregard that fact was bound to endanger peace and security in Europe.

31. Relations between the Federal Republic of Germany and the German Democratic Republic were possible only on the basis of peaceful coexistence, which required strict respect for the sovereignty and territorial integrity of each State and non-interference in internal affairs. The furtherance of such relations therefore required respect for both the letter and spirit of international treaties.

The meeting rose at 5.55 p.m.