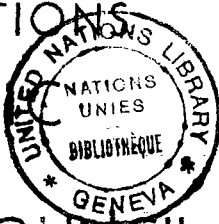


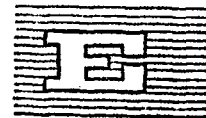
UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.1484
20 February 1979

ENGLISH
Original: FRENCH



COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1484th MEETING

held at the Palais des Nations, Geneva,
on Friday, 16 February 1979, at 4 p.m.

Chairman: Mr. BEAULNE (Canada)

CONTENTS

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

The right of peoples to self-determination and its application to peoples under
colonial or alien domination or foreign occupation (continued)

This record is subject to correction.

Participants wishing to make corrections should submit them in writing to the
Official Records Editing Section, room E.6108, Palais des Nations, Geneva, within
one week of receiving the record in their working language.

Corrections to the records of the meetings of the Commission at this session
will be consolidated in a single corrigendum to be issued shortly after the end of
the session.

The meeting was called to order at 4.30 p.m.

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

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.4/1313; E/CN.4/Sub.404, Vol. I, II and III; E/CN.4/Sub.405, Vol. I, II)

1. Mr. EL SHAFEI (Egypt) read out a letter dated 9 February 1979 to the Chairman of the Commission on Human Rights from the Minister for Foreign Affairs an interim of the Arab Republic of Egypt (E/CN.4/1339); he expressed the thanks of the Egyptian delegation to the Commission for its decision to send a telegram to the Government of Israel.
2. In its resolution 1 A (XXXIV), the Commission had decided to place the question of the violation of human rights in the occupied Arab territories, including Palestine, on the agenda of its thirty-fifth session as a matter of high priority. For its part, the Economic and Social Council had by resolution 1978/24 of 5 May 1978 commended the Commission for its action concerning the question of the violation by Israel of human rights in the occupied Arab territories and had requested it to pursue its efforts for the protection of human rights in the occupied Arab territories, including Palestine, and to continue to take appropriate measures in that respect. Nevertheless, the situation was still deteriorating in the occupied territories. At a time when the international community was celebrating the thirtieth anniversary of the Universal Declaration of Human Rights and was preparing to celebrate the thirtieth anniversary of the 1949 Geneva Conventions, the Israeli occupation authorities were continuing and intensifying their policy of expansion and annexation. In spite of the numerous resolutions adopted by various United Nations bodies over the past 30 years, they persisted in their oppressive practices against the Palestinian people. The acts perpetrated against individuals and property in the occupied Arab territories constituted not only violations of human rights but also flagrant violations of the relevant international instruments, particularly the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War.
3. It was also essential to stress the persistence displayed by the Israeli occupation authorities in implementing their policy of establishing new settlements in those territories, in violation of the inalienable rights of the population and the provisions of the fourth Geneva Convention. Such a policy, which had been strongly condemned by the international community, was completely illegal and contrary to General Assembly resolution 33/113 B.
4. The Egyptian delegation did not wish to refer to all the resolutions adopted on the subject, but it did wish to mention certain recent resolutions which provided fresh proof of the illegality of the policy of annexation and settlement being pursued by the Israeli authorities: resolution 33/113 A of 18 December 1978 in which the General Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to all Arab territories occupied by Israel since 1967, including Jerusalem, and called upon Israel to acknowledge and comply with its provisions in those territories, and

resolution 33/113 B in which the General Assembly strongly deplored the persistence of the Government of Israel, as the occupying Power in carrying out measures and actions designed to change the legal status, geographical nature and demographic composition of those territories, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, and in which it called on Israel to comply with its international obligations and to desist from taking such actions.

5. Nevertheless, once more, the Israeli authorities had prevented the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories from visiting those territories. The tenth report prepared by the Committee (A/33/356) drew attention to recent statements by the Prime Minister of Israel and other members of the Israeli Government (paragraph 128) which made it clear that the occupation authorities were continuing to implement their policy of annexation and settlement of the occupied Arab territories, and which mentioned the arbitrary measures to which the Palestinian people were subjected (paragraph 129): expropriation of property, wholesale destruction of houses, the continuing increase in the number of detainees, and torture and ill-treatment of detainees were facts which bore witness to the illegal policy pursued by the Israeli occupation authorities and which constituted flagrant violations of the Universal Declaration of Human Rights, the Charter of the United Nations, the fourth Geneva Convention and other relevant international instruments. Furthermore, the information collected by the Special Committee had been confirmed by a report published by the Washington Post. According to that report, Arab detainees were tortured during interrogation, such torture involved trained staff, high-level administrative support and a system of protection for silencing complaints and blocking investigations.

6. In view of the seriousness of the situation, the international community must assume its responsibilities in order to ensure that the violations of human rights perpetrated by the Israeli occupation authorities in the occupied Arab territories, including Palestine, were brought to an end. Egypt, for its part, remained faithful to the commitments which it had undertaken in order to enable the Palestinian people to regain their rights.

7. In conclusion, the Egyptian representative wished to provide some clarification as to the scope and content of the Camp David agreements. The two Camp David agreements constituted a framework for the global settlement of the Middle East conflict, a settlement whose sole purpose was the liberation of all the occupied Arab territories and the enjoyment by the Palestinian people of all its inalienable rights. The agreements could not be interpreted as a peace treaty. They were operational agreements to give effect to Security Council resolution 242. The way to peace in the Middle East lay open, but peace could be established only by a concerted effort. However, the Israeli policy of expansion and settlement constituted a major obstacle to the achievement of any progress in the negotiations. The Egyptian delegation was convinced that the Commission on Human Rights would adopt the necessary measures to bring about the conditions essential for establishing a just and durable peace in the Middle East and throughout the world.

8. Mr. LENNOX DAVIS (Australia) wished at the present stage of the debate on items 4 and 9 to make a few brief comments on the question of self-determination. His delegation wished to repeat a point which it had made the preceding year - namely, that it was not entirely satisfactory to group the two items together. While appreciating that the Commission did not have time to debate the two items separately, his delegation thought that simultaneous consideration of two related but different subjects might result in doing less than justice to either of them.

9. With regard to agenda item 4 on the question of the violation of human rights in the occupied Arab territories, including Palestine, Australia had long believed that progress towards a settlement in the Middle East was critical to a solution of the human rights problems in that area. As the Australian Minister for Foreign Affairs had said at the thirty-third session of the General Assembly, the progress made in recent months had certainly been encouraging but long and difficult negotiations would be required if there was to be a just and lasting peace in the Middle East. Members of the United Nations should exercise care in avoiding any action which might prejudice the prospects for peace which those recent developments offered. The Australian Minister for Foreign Affairs had also welcomed the agreement that further negotiations would be guided by the principles of Security Council resolution 242 and the recognition of the legitimate rights of the Palestinian people.

10. On the subject of self-determination, he recalled that Australia had long supported the struggle of peoples for the realization of that right. As a country that had become a federation of former colonies, Australia understood the forces which impelled peoples to strive for their independence and their national identity. Its task as an administering power under League of Nations mandates and United Nations trusteeship agreements had enabled it to acquire particular experience in that field.

11. The right of peoples to self-determination was not easily capable of precise definition or categorization. In a historic sense, it was a basic principle of human relations which had international dimensions and was now enshrined in the Charter of the United Nations and in both of the Human Rights Covenants; but it must also be looked at in the context of the particular circumstances of the people who were demanding to exercise it. In that connexion, the Australian delegation wished to congratulate the two Special Rapporteurs, Mr. Cristescu and Mr. Gros Espiell on preparing comprehensive reports on such highly complex issues as the historic and current development of the right to self-determination (E/CN.4/Sub.2/404) and the implementation of United Nations Resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405). Those reports would certainly become landmarks in future discussions on the subject.

12. Australia, convinced of the fundamental importance of the right of peoples to self-determination, participated actively in the work of the Committee of Twenty-Four and of the Council for Namibia. In particular, it took part in the activities of the Sub-Committee on Small Territories, a subsidiary body of the Committee of Twenty-Four, in which it believed it had an important role to play as an independent nation in a region where there were a number of small colonial

territories, each striving in its own way to acquire a structure which would guarantee its individuality and if it so wished, its independence. In the Council for Namibia, Australia had done what it could to promote the independence and freedom of Namibia and would continue to do so.

13. In conclusion, he noted the opinion that had been voiced on several occasions in the Commission that self-determination was a prerequisite for the enjoyment of all other human rights. That view was too sweeping and open to misunderstanding if it was meant to suggest that a people could enjoy no human rights at all until it had achieved self-determination. In some cases, the people of a dependent territory might enjoy not inconsiderable economic and social rights, although not the whole body of human rights. But it could be said in general that no people could fully enjoy civil and political rights as well as economic and social rights until it had achieved self-determination. For that reason, the right to self-determination should receive the fullest support of all members of the Commission.

14. Mr. ZORIN (Union of Soviet Socialist Republics) said that he would like first to comment on some general aspects of the right of peoples to self-determination.

15. The principle concerned was a principle of general international law which was of particular significance for the maintenance of normal relations between States. Since its establishment in 1917, the USSR had proclaimed that right and had given all the peoples of the former Russian Empire the possibility of exercising it. It lay at the very basis of the organization and activities of the Government, in conformity with Leninist doctrine. As such, it was affirmed in the Constitutions of all the Soviet Socialist Republics and, in particular, in various articles - especially articles 28, 29, 70 and 72 - of the 1977 Constitution of the USSR.

16. The right to self-determination and sovereignty was a universally recognized principle of international law affirmed in the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Covenants on Human Rights and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and also by the decisions of various United Nations organs such as the Security Council and the General Assembly.

17. The right to self-determination had interdependent political, economic, social and cultural aspects. Thus, it implied the emancipation of peoples subjected to foreign - particularly colonial - domination and their accession to independence; the right of those peoples to determine their economic system and to exercise sovereignty over their natural resources; and their right to determine their cultural system - which entailed recognition of their right to enjoy their cultural heritage and to enrich it, and recognition of the right of everyone to education and culture.

18. Consequently, the right to self-determination implied that colonial peoples had a right to struggle by every means at their disposal against the colonial Powers which oppressed them; and it also implied that States had a duty to help them along that road; if they failed to do so, they would not only incur international responsibility but would also be guilty of an international crime.

The right to self-determination was an integral part of the whole series of rights inherent in the human person and, by its content, it was closely related to the concept of anti-imperialism and anti-capitalism.

19. The racist régimes of southern Africa flagrantly violated that right, thereby arousing the indignation of the progressive forces of the world and endangering international peace and security. The desperate attempts of those régimes to muzzle the peoples in Zimbabwe and Namibia were part of the vast plot in which the major Western Powers were playing a decisive role. That was why the General Assembly, in its resolution 33/24, had condemned "the policies of those members of the North Atlantic Treaty Organization and of other countries whose political, economic, military, nuclear, strategic, cultural and sporting relations with the racist régimes in southern Africa and elsewhere encourage these régimes to persist in their suppression of the aspirations of peoples for self-determination and independence". The USSR also strongly condemned the economic, political, military and other assistance provided by the imperialists to the racist régimes of southern Africa, and it advocated a total boycott of those régimes. As Leonid Brezhnev had stated at the Twenty-fifth Congress, the Communist Party of the USSR would continue to support all peoples in their struggle for freedom and independence.

20. The contempt which the racist régimes of southern Africa displayed for the non-white population they were oppressing was equalled only by the contempt which Israel showed towards the Palestinian Arab people, and it was hardly surprising in the circumstances that South Africa and Israel were maintaining close relations, which probably included exchanges of experience on massive violations of human rights.

21. Israel's violation of human rights was a consequence of its foreign policy, which was a policy of aggression consistent with the doctrine of zionism which, as was expressly stated in General Assembly resolution 3379(XXX) "is a form of racism and racial discrimination". In that regard, he wished to stress that those who had withdrawn from the World Conference to Combat Racism and Racial Discrimination had lent de facto support to Israel's policy in the occupied Arab territories. All the same, in the declaration it had adopted, the Conference had called for the cessation of all practices of racial discrimination to which Palestinians as well as other inhabitants of the Arab territories occupied by Israel, were being subjected (A/33/262, para.19).

22. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/33/356) and information from various sources received since its publication indicated that Israel's policy in that regard - systematic torture of Arab detainees, denial of the Palestinian people's right to self-determination, expulsion of Palestinian Arabs from their lands and homes and their deportation, expansion of Israeli colonies of settlement and repression - had changed little. Israel also rejected the existence of the Palestinian people as a nation and refused to recognize the Palestine Liberation Organization as the sole legitimate representative of that people. The USSR strongly condemned that policy of genocide and annexation, which was contrary to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949; and it supported the struggle of the Palestinian Arab people under the leadership of the PLO. It reaffirmed that only a global settlement of the Middle East problem would put an end to those massive and systematic violations of human rights in that region of the world.

23. The Soviet Union welcomed the conclusions of the Baghdad meeting, which marked an important step towards the unity of the Arab world and the establishment of a just and durable peace in the Middle East, as Mr. Kosygin had noted in his statement of 12 December 1978. Such was the position that the members of the Warsaw Pact had set out in their Declaration of 23 November 1978, in which they stressed once again that the solution of the problem of the Middle East required the participation of all interested parties, including Palestine, the withdrawal of Israeli troops from all Arab territories occupied in 1967, the realization of the inalienable right of the Palestinian people to self-determination - and, in particular, to the establishment of a Palestinian national State - and the independent existence and security of all States in the region, including Israel.

24. Mr. SKALLI (Morocco), referring to agenda item 4, said that at the Summit Meeting of Heads of Arab States, held at Rabat in 1974, unanimity had been reached on a number of principles for a just, equitable and humane solution to the Middle East problem: evacuation of all occupied Arab territories, including Jerusalem; recognition of the Palestinian people's legitimate right to self-determination and to the establishment of a free and sovereign State; and recognition of the PLO as the sole legitimate representative of the Palestinian people. His Government reaffirmed its support for the position agreed upon at the Rabat Summit.

25. His Government was now particularly disturbed about the fate of the Palestinian people since it had learned again recently that the Zionist army of occupation was engaging in reprehensible acts of oppression, repression and torture against defenceless populations. He referred in that connexion to an article published by the Washington Post in February 1979 on the basis of a report by the United States State Department and diplomatic cables from the United States Consulate in Jerusalem, showing that the torture of Arab prisoners in the occupied territories was a generalized and even systematic practice. In a dispatch from Beirut dated 5 February 1979, Agence France Presse (AFP) reported the specific case of Mr. Hamad, a Lebanese national released by Israel, who had stated that he had been imprisoned for 45 days with his hands and feet tied to his neck, and subjected to electric shocks on every part of his body. In a dispatch from Amman dated 11 February, AFP had also reported a statement by Mr. Al Fakh, a young Palestinian expelled from Cisjordania, in which he had stated that since his arrest in 1970 he had regularly been tortured "like all other Arab prisoners".

26. He had mentioned those examples in order to alert the conscience of the world to the seriousness of a system that was condemned by the international community and by the Commission on Human Rights. The Commission, which was rightly known as the conscience of the world, must take the necessary steps to save human life and to induce the Israeli authorities to cease their violence and to respect humanitarian law and international conventions.

27. Mr. FRAMBACH (Observer for the German Democratic Republic), speaking at the invitation of the Chairman in accordance with article 69 of the Commission's **rules** of procedure, said that, according to the available information and to the statements made by certain delegations, Israel was now as before grossly violating human rights in the occupied Arab territories. Degrading treatment and torture were continuing in detention camps and prisons, and collective repression against the Palestinian people was being maintained. 500,000 people had already been forced to leave their homes because of the creation of colonial settlements, and many dwellings had been destroyed. All such acts represented gross violations of international law, and particularly of the 1949 Geneva Conventions: and the aggressor must accordingly be condemned.

28. The position of the German Democratic Republic on the regulation of the Middle East problem was well known. In accordance with the Charter of the United Nations and relevant United Nations decisions, the German Democratic Republic stood for democratic solutions to eliminate the causes of conflict and to lay the foundations for lasting peace. For that purpose, three fundamental requests expressed by the majority of Arab States must be complied with: Israel's withdrawal from all Arab territories occupied in 1967; guarantee of the inalienable rights of the Arab people of Palestine, and notably of its right to establish a State; and recognition of and respect for the sovereignty, territorial integrity and political independence of all States of the region. Facts proved that all attempts to reach separate solutions had failed. It was therefore necessary to resume the Geneva Conference with the participation of PLO in order to reach a settlement in the interest of all the parties concerned.

29. Mr. ARMALJE (Observer for the Palestine Liberation Organization), speaking at the invitation of the Chairman in accordance with rule 70 of the Commission's rules of procedure, said that he wished to reply to certain allegations made at the previous meeting by the Zionist entity. Since the Commission was not deceived by the flood of words that entity had used to justify its occupation, he would make only two observations.

30. First, he wished to remind the representative of Menachem Begin that all occupying forces described those who resisted their occupation as "terrorists"; for example, during the Second World War, the German press had described as terrorists the members of the French, Belgian and Dutch resistance. Mr. Begin - ironically a recipient of the Nobel Peace Prize - had, as leader of the Irgun Zvai Leumi, been responsible for the death of many people, including many women and children, at Deir Yassin. Certain facts concerning that massacre had been vouched for at the time by the Red Cross representative. The Zionist entity had constantly committed acts of terrorism against the Palestinian leaders; persons assassinated by its secret services included Mr. Wael Zouayter, Mr. Kamal Nasser and Mr. Ghassan Kanafani. More recently, its secret services had murdered Mr. Abu Hassan Salameh and three of his companions, at the same time killing at least ten Lebanese civilians. It was paradoxical that the Zionist entity claimed that it did not apply capital punishment, when it murdered so many people and caused so much loss of human life bombing Palestinian camps with its sophisticated aircraft.

31. On the question of destruction of dwellings, the Zionist representative had referred to former British or Jordanian laws. The Zionist entity referred at one moment to the 1949 Geneva Conventions and at another moment to other laws, when it violated those conventions. The Zionist representative had also cited legal experts; he, for his part, would cite Mr. Pictet, who had said that the destruction of dwellings could be justified only for military reasons. Clearly, the dynamiting of Palestinian houses could not be explained on those grounds: it was certainly contrary to the spirit of the Geneva Conventions.

32. Mr. BARROMI (Observer for Israel), speaking at the invitation of the Chairman in accordance with article 69 of the Commission's rules of procedure, said it was deplorable that a number of representatives had made slanderous accusations against Israel when the situation in their own countries hardly qualified them

to speak of human rights. In the report of Amnesty International published in 1979, each of those representatives' countries had each been the subject of an interesting chapter in that respect. Instead of listening to libel, it would be better to study the fair and accurate statement made by the Israeli delegation at the preceding meeting.

33. Mr. EL-FATTAL (Syrian Arab Republic) said that at the preceding meeting the Israeli representative had argued that the demolition of houses was justified by an exception provided for in the fourth Geneva Convention of 1949. But the Convention spoke of houses demolished in military operations, while Israel's acts of destruction were carried out in cold blood in order to empty the occupied towns of their people.

34. From a historic point of view, he rejected the Israeli representative's accusation that Jews had been oppressed by Islam and Christianity. On the contrary, Jews had throughout history co-operated with Islam in Spain, Morocco, the Middle East, etc. There had been some deterioration with the emergence of the anti-semitic movement and zionism; but that deterioration had been political, not religious. Jews and Arabs were all sons of Abraham. The accusation levelled against the Christians was regrettable in the context of Vatican II and of the efforts made to establish favourable conditions for a dialogue between religions and cultures. In fact, it was rather Israel which was oppressing the Christians, as was shown by an article in Osservatore Romano, published on 9 January 1979 under the title "The Christians and the Holy Land". In that article it was stated inter alia that:

"... Christians the world over are more than ever committed to solidarity with their brethren in the Faith living in the Holy Land. ... Favourable conditions must be created for the Christians in the Holy Land to enable them to survive in the country, for it is their country and their homeland. They do not ask for privileges, but only for the protection of their rights."

It could therefore be seen that, according to Osservatore Romano, Israel was violating the human rights of Christians in Palestine.

The meeting rose at 6 p.m.