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Thirty-first Session

SPECIAL POLITICAL COMMITTEE

VERBATIM RECORD OF THE SEVENTEENTH MEETING

Held at Headquarters, New York,  
on Wednesday, 10 November 1976, at 3 p.m.

<u>Chairman:</u>	Mr. GREGORIADES (Vice-Chairman)	(Greece)
<u>Rapporteur:</u>	Mr. HAYNES	(Guyana)

- Report of the Special Committee to investigate Israeli practices affecting the human rights of the population of the occupied territories  
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\*Circulated pursuant to a decision taken by the Committee at its 17th meeting.

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The meeting was called to order at 4.10 p.m.

## AGENDA ITEM 55

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (A/31/218, A/31/235 and Add.1 and 2, A/31/302)

The CHAIRMAN: This afternoon the Committee will begin its examination of the third item on its agenda for this session. The report of the Special Committee has been circulated by the Secretary-General in document A/31/218. The Secretary-General has issued other documentation on this item. Document A/31/235 and Add.1 and 2 contain the Secretary-General's report, requested by the General Assembly in its resolution 3525 D (XXX), on the investigation of the situation concerning Al-Ibrahimi Mosque. Document A/31/302 contains the text of a further report by the Secretary-General issued in pursuance of General Assembly resolutions 3525 A and C (XXX). That text contains information on the facilities afforded the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories by the Secretariat and in particular by the Office of Public Information.

I understand that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories will this year be introduced by the representative of Senegal on that Committee, the Chief Justice of Senegal, Mr. M'baye. It gives me great pleasure to welcome him to our meeting.

Mr. M'BAYE (Senegal) (interpretation from French): It is a great honour for me to introduce to this Committee the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories contained in document A/31/218 of 1 October 1976. This is the eighth report submitted by the Committee since it was established in 1968 by the General Assembly at its twenty-third session. I owe this honour to the fact

(Mr. M'baye, Senegal)

that Ambassador Amerasinghe, who until now has been Chairman of the Special Committee, resigned on 21 September because of the important duties he is carrying out, to the great satisfaction of delegations, as President of the General Assembly of the United Nations.

Mr. Chairman, I take this opportunity to congratulate you and the other officers of the Committee on your election to guide the work of this Committee. I am perhaps a little late in doing this, but that in no way affects the sincerity of the well-deserved tribute.

I must say at the outset and in all candour that the presence of the Senegalese delegation on the so-called Committee of Three and on many other committees set up as part of the struggle of the United Nations to ensure the triumph of human rights is no mere chance. My country is dedicated to freedom and justice and supports unreservedly the decisions taken by the international community. It is proud to be considered a country of right and, especially, a country of human rights. That alone determines the position of our various delegations in debates concerning the fundamental principles which serve to cement the society of men and nations we have together been trying to build since 1945.

I wish to emphasize that the position of Senegal in such debates, and more particularly with regard to the painful problem of the Middle East would have been quite different if the situation in that part of the world had been other than what it is. If the roles there had been reversed we would have been the first to deplore violations of the principles of the Charter and the Declaration of 10 December 1948.

As Members are aware, although more than 85 per cent of its population is Moslem, Senegal is a secular State which maintains non-discriminatory relations with all countries except in cases where such relations would not foster understanding among nations and would therefore not foster peace itself. Faithful to its tradition of dialogue, Senegal maintained warm relations with Israel until it realized that the principles of justice, moderation and respect for the international community which are the foundations of its foreign policy could only suffer from such relations. It was then decided to end them. The same reasoning applies for Sri Lanka and Yugoslavia, the other members of the Special Committee.

(Mr. M'baye, Senegal)

Nor is there any need to remind the Committee that when Africa wished to make an effort to find a solution to the Middle East problem it was President Leopold Sedar Senghor of the Republic of Senegal who first came to mind, and it was to the President and three of his colleagues that an appeal was made. He did not hesitate to agree to discharge the responsibilities of Chairman of that important committee, which has been called the committee of wise men.

President Senghor has said, as he does today, that the Jews, the Arabs and the blacks have been and to a large extent remain the trio of victims of injustice. This is a fact taught by history and current events. In order to be persuaded of this it is sufficient to refer to the abundant literature concerning racial discrimination. That is precisely why we cannot resign ourselves to accepting as a principle of law the reign of force, the spirit of conquest, the will to dominate, or, in a word, the triumph of lawlessness.

(Mr. M'baye, Senegal)

Just as we recognize the Israelis' right to exist as a people, so we firmly maintain the principle that the Palestinian people must be allowed to return to its homeland, and that the Arab countries must recover the whole of their territory. Senegal considers this an elementary rule of justice and a preliminary condition of respect for inalienable human rights.

But it is not as the representative of Senegal that I am here today. Of course, I am hardly renouncing my convictions or the genius and aspirations of my people, which cherishes law and freedom, as I have already said. But here, from this seat, it is on behalf of my colleagues, Ambassador Amerasinghe and Professor Bohte, and on my own behalf that I am speaking. In the Special Committee, which I am representing here in submitting its report to you, we have learned to forget what we are in order to dedicate ourselves only to the goal of our mission, which is to determine what conditions Israel's policy and practices affect human rights in the occupied territories.

Of course, the members of the Committee represent their countries. They are all too often reminded of that. But that is hardly a defect which can affect their objectivity. I assure you that they carefully cultivate their independence -- you may be sure of this -- because they are anxious to serve truth by serving you.

Our Committee believes that the problem of the violation of human rights in the occupied territories poses, first and foremost, the problem of the Palestinian people; for how can we speak of Israel's behaviour, its "policy" and its "practices" in the occupied territories without at the same time taking up the problem of the Palestinian people, which was forced to leave its homeland and thus to live far from the land of its ancestors, and daily to be a victim of the whims of circumstance?

We are firmly dedicated to the principle of the rights of peoples to decide their own future. The United Nations misses no opportunity to recall that. This principle, in our view, applies to States, but also to peoples temporarily deprived of their States. It is a fundamental and inalienable principle. The Palestinian people must benefit from it, just as do the Israeli people and other peoples of the world.

(Mr. M'baye, Senegal)

As the Committee knows, this is something which the General Assembly has never ceased to affirm with force. I would merely recall its resolution 3376 (XXX). Similarly, the Security Council has firmly maintained that every people has the right to decide its own future.

The second problem posed by the violation of human rights in the occupied territories is clearly the occupation itself. As we have just said, we cannot resign ourselves to the triumph of force. Thus we cannot accept continued military occupation unless we wish to subordinate law and justice to arbitrary action and force and to violate the very spirit of the Fourth Geneva Convention.

Our Committee has long held that the violation of human rights in the Gaza Strip, on the Golan Heights, on the West Bank of Jordan and in Sinai is closely linked to the occupation. Through me, the Special Committee appeals to the international community not to err on the side of optimism and above all not to become apathetic, but to remain vigilant, because it is convinced that the ending of this occupation is the necessary condition of the restoration of the fundamental rights of the people of that part of the world.

Nor should the events in Lebanon, painful though they be, cause us to forget that they are precisely a consequence of the Middle East problem. Just last year the Committee strongly urged this idea, and today, in its conclusions, it states:

"The Special Committee has, since its first report, urged the General Assembly to assume its responsibilities and to bring the state of occupation to an end. The Special Committee has maintained that this would be the only way in which the human rights of the civilian population of the occupied territories could best be ensured."  
(A/31/218, para. 358)

The continued occupation is in itself a violation of fundamental human rights. But any continued occupation provokes, by its very existence and by the violation of rights which necessarily results from it, manifestations of resistance which are both normal and legitimate, and those manifestations provoke, on the part of the occupiers, reactions which are more or less appropriate, more or less proportionate, but which constitute, in their turn,

(Mr. M'baye, Senegal)

further sources of violation of human rights. As Victor Cygielman wrote in the Nouvel Observateur of 22-28 March 1976: "any prolonged domination degrades those who dominate".

After several working meetings, our Committee adopted the report now before the Committee, which is sufficiently clear to make comment by me unnecessary. It was drafted on the basis of evidence taken from various documents and as a result of the hearing of witnesses from 13 October 1975, which was the date on which the Committee's seventh report was adopted. The authors have been careful not to let their imaginations run away with them or to let their hearts speak, as has been alleged. They have merely brought together the facts.

According to well-established jurisprudence in the Committee, we have based ourselves mainly on the statements and decisions of the Israeli authorities as they have reached us through official documents and the press.

It is worth recalling that the Special Committee, established by the General Assembly in resolution 2443 (XXIII) of 19 December 1968, has so far received nothing but rebuffs from the Israeli authorities each time it has tried to visit the occupied territories or to co-operate with those authorities.

(Mr. M'baye, Senegal)

Further, these same authorities pretend to be unaware of the Committee, except when it is a question of attacking it wildly, often using provocative language. I am sure that the discussion which follows will justify what I have said.

The Israeli representatives accuse the Committee of falsely claiming to be impartial. A priori, they maintain that because of its composition the Committee cannot be impartial, since it is composed of countries that have no relations with Israel. This argument, of course, is not worth very much. I would recall the reasons why my country broke off relations with Israel. Furthermore, even when Sri Lanka had relations with Israel, Israel was no more ready to co-operate with the Committee.

Some countries maintain with clever arguments which they hardly believe themselves that the Committee should be made up of "independent" persons, which, they say, is not the case at present. They cite the example of the International Court of Justice, forgetting the circumstances which govern the election of the judges to that important international court, circumstances which make the action of States the decisive factor. And yet the independence of the judges at The Hague is hardly disputed. This is because independence, as we all know, is above all a question of character and will.

I can assure the members of this Committee that in the discharge of the mission that they have entrusted to it, the Special Committee has constantly tried to act as a quasi legal body, using the usual methods of seeking the truth that are used in courts. Of course we are nationals of countries, but in the Committee we act in accordance with our consciences, in complete freedom and independence.

I can assure members that as far as I, their servant, am concerned, this report which I am reading -- to give just one example -- is my own sole and unique responsibility and that my participation in the Committee is conditioned by the principle of my complete freedom to act in accordance with my own inner convictions.

But no one is exempt from Israel's suspicions; even the International Committee of the Red Cross is not free from them. Members will recall that when the Committee requested Egypt and Israel to accept the establishment of joint commissions of inquiry, which was only an application of the provisions of the Geneva Conventions of 12 August 1969, in particular the Fourth Convention,



(Mr. M'baye, Senegal)

Egypt unreservedly accepted after three months whereas Israel took seven months and limited the scope of the commissions to complaints by the combatants concerning alleged violations under the Third Convention relating to prisoners of war. This is clear from the 1974 report of the International Committee of the Red Cross (ICRC) itself.

Moreover, as members know, Israel has not expressly accepted the applicability of the Fourth Geneva Convention in the occupied territories. Legally, to hold that that Convention was not applicable would not be defensible. In any event, such a position is not shared either by the Special Committee or by the General Assembly, and the ICRC, itself, clearly has a different opinion for it stresses, each time that it learns of violation of a provision of the Fourth Convention, that a violation is taking place.

Furthermore, the position of the ICRC's position can easily be deduced from the interpretation that it expressly gives to the applicability of the Fourth Convention in the occupied territories. I have before me the report of the ICRC of 1975. I read these words:

"ICRC activity, as in the past, was based essentially on the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Israel did not always recognize the applicability of this Convention to the occupied territories although it did allow the delegates to perform the tasks resulting therefrom on a pragmatic case-to-case basis." (ICRC Annual Report 1975, p. 21)

In these conditions, how can we fail to be surprised that Israel can continue not to recognize simply that the Fourth Convention is fully applicable in the occupied territories?

I know that, during the forthcoming debate, much criticism will be made of the Committee. It will be accused, in particular, of reflecting the point of view of only one party to the dispute, of not bringing out the economic and social progress which is supposed to have been achieved in the occupied territories and of not condemning the violations of human rights which are alleged to have been committed here and there, especially in the Arab countries, against Jews.

(Mr. M'baye, Senegal)

I will hasten to reply in advance to these arguments. First of all it must be stressed that we have been most profoundly devoted to the principle of cross examination in an inquiry because that is an essential guarantee in an effective search for the truth. It must then be said that we have been resolutely opposed to any violation of fundamental human rights, whoever might be the perpetrators or the victims.

Let us return to the criticism. As is known, the General Assembly wanted Israel to receive the Special Committee. Unfortunately, that request, which was renewed each year, remains unfulfilled. Israel has clearly refused. Faced with this negative attitude, should the Committee abdicate its mission? Certainly not. Our duty was to find a way around that problem, and we have tried to do so. In fact, in general acting as the devil's advocate, we test all information that comes to us, especially the testimony, in order to pass it through the sieve of the most stringent criticism. But once we have done that work, if, according to our firm conviction there remains a residue of proof or if we obtain directly from the Israeli authorities themselves information which we find difficult to dispute because of its source, then clearly the Committee simply accepts it as being true.

I should like to say here that we have sometimes been criticized for reporting too briefly on events. But that is not really so. The report which is before the Committee is a highly condensed version of a mass of documents which we consulted. Those documents clearly are available to those who would like to have a deeper knowledge of the facts and events that we are reporting.

(Mr. M'baye, Senegal)

We have always explained our methods of work, and we can illustrate this by choosing precise cases. Here is one. We heard Mrs. Felicia Langer at five meetings lasting many hours. Her testimony covers dozens of pages, but representatives will see for themselves the point to which the Committee has reduced its testimony, although it came from a person who, we can assume, sufficiently weighs her responsibilities, since she is by nationality an Israeli and by profession a lawyer and a person whose feelings struck us, because in the Committee Mrs. Langer said, by way of introduction to her testimony, and I am quoting her from memory:

"I am here not to attack my country but to contribute to ensuring that a régime of legality be restored in the territories occupied by Israel."

This constant concern for objectivity on the part of our Committee, despite our inability to obtain from Israel any contradiction of the facts, apart from political arguments, is the backbone of our method of work. This concern led us to make available to representatives in annexes a body of references to documents and various sources which we were able to consult in drafting this report. Those documents are available to all those who would like further information.

On behalf of the Committee I should like to thank all the staff of the Human Rights Division, especially its Director, who served us competently and devotedly.

We have a mission whose limits are determined by a precise mandate. I would recall that we are required to inquire into the policies and practices of Israel affecting human rights. That means that it is not for us to make a list of economic and social progress in various respects, which might be to Israel's credit in the occupied territories. As Members know, there is no formula for the replacement of freedom or the exercise of human rights. No one would be willing to pay for welfare by a tax on his own dignity, even less by giving up the right to be free. It is not part of the Special Committee's mission to come here to apologize for the occupation and its results; that would be to fail in our duty, and especially in our duty as men dedicated to law and justice. It is not part of our mandate either to push our investigations

(Mr. M'baye, Senegal)

beyond the occupied territories. Let us be quite clear: we are not saying at all that the rights of the Jews are respected in other countries -- whether Arab or other -- we are simply saying that it is our mandate to inquire into policies and practices affecting human rights, not in Egypt or Syria or Jordan, not even in Israel, but in the occupied territories.

I do not think I shall be able to stay in New York until the end of the debate because I have duties which require me to return to my country very soon, but my colleagues will not fail to reply to any other criticisms that may be made. Other arguments will be developed against the report and its authors. We shall be accused of using human rights as a warhorse against Israel, of seeking an easy automatic majority, of maintaining absurd allegations or making stupid accusations. These are not words I am just making up; we have already heard them. This is a procedure with which we are familiar. But the facts are there. I will not trouble representatives by reciting them. They are described sufficiently clearly in the report we are submitting. They speak for themselves, and they will overwhelm all those who are still capable of being overwhelmed.

In two years the Committee will have existed for ten years. The policy of annexation and colonization is affirmed by the Israeli authorities and by certain national or international bodies, with a decisiveness and consistency that it is difficult not to view as a challenge to the United Nations itself. Recent events have taught us that this policy is still affirmed with the same conviction by the Israeli authorities and is applied today just as it was yesterday. For proof I would refer to the 1975 report of the International Committee of the Red Cross. In its discretion, the International Committee mentions, on page 22 of the report, Israeli settlements in the occupied territories.

The application of this policy is carried out methodically, whether it is a question of the West Bank, especially the part of Jerusalem occupied in 1967, the Gaza Strip, the Golan Heights or Sinai. The occupying authority is transforming the geographical aspects of the territories, and all this is

(Mr. M'baye, Senegal)

in violation of the provisions of the Fourth Geneva Convention. Representatives will find in annex II of the report of the Special Committee a map of Israeli colonies established since 1967 and they will be able to see for themselves how many there are.

For the first time in its report the Committee has dwelt on the treatment of civil detainees in the occupied areas, including arrested persons, persons kept under guard or imprisoned or persons in administrative detention. On the basis of the information given to us, we have tried, in order to inform this Committee as clearly as possible, to describe the existing judicial apparatus and at the same time to quote certain laws that concern the areas of our investigations. Representatives will see for themselves that many of the things that happened during arrest, interrogation, preventive detention, court proceedings or imprisonment, as referred to in the report, constitute abuses of international law. Specific cases have been quoted to illustrate the conditions of detainees in the occupied territories.

With regard to the laws applicable to military courts, the Committee noted the Exception Law of 1945 concerning defence and the amendment of 1972 to the penal code of 1970 applicable to the occupied territories. These provisions are typical of the loi scélérate. They permit any excess against anyone, even if he has committed an act outside Israel and the occupied territories. The emergency laws -- I am referring to the Exception Law of 1945 -- were inherited from the time of the British Mandate in Palestine and are not an integral part of the law of the occupied territories. Thus their application is a violation of the Geneva Convention. The Committee has specifically sought the views of the Government of Jordan but has not yet received them. However, it believes that this order should not be applied, because it contradicts the Fourth Geneva Convention.

(Mr. M'baye, Senegal)

We cannot fail to be surprised when we know that the Israeli Knesset -- its Parliament -- is said to have adopted unanimously in 1951 a resolution prohibiting the application of these laws to Israeli Jews because "they are contrary to the fundamental principles of democracy". How, then, can it be claimed that they should be applied to others, if those people are to be respected as human beings?

With regard to the reforms of 1972, it must be recalled that they include two principles which are fundamentally contradictory to the fundamental principles of penal law, namely, non-retroactivity and territoriality.

The principle of non-retroactivity is a principle for the defence of individual liberties embodied in the Universal Declaration of Human Rights. With regard to the principle of territoriality, that too is a fundamental principle designed for the protection of individual rights. But, thanks to the law of 1972, it is possible when an individual is guilty of an act to say it is applicable even when the act is not a crime in the country in which it was committed. Thanks to that law, it is possible to prosecute the person -- if the act that he committed is considered to be a violation in Israel and if the act is thought to prejudice Israel itself.

Representatives will see in the report that Mrs. Felicia Langer specifically quotes a case in which this law was applied retroactively. During your reading, Mr. Chairman, you will certainly be convinced, just as we were, that none of these misfortunes will cease until the occupation is brought to an end. But one specific case took our attention, that is, Quneitra.

It will be recalled that, in its resolution 3240 C (XXIX), the General Assembly requested the Special Committee to make an inventory of the damage suffered by Quneitra to assess the nature, extent and value of the damage caused by such destruction, and to evaluate them with the help of appointed experts.

After having visited Quneitra, the Committee was firmly convinced that the damage inflicted on Quneitra took place almost at the same time as the Israeli withdrawal and could have resulted only from deliberate acts.

(Mr. M'baye, Senegal)

In order to carry out the investigations and report thereon, the Committee appointed an especially well qualified expert. The expert and his colleagues examined in detail every ruin and assessed the scope, size and percentage of damage, having regard to their origins: war, deliberate destruction and so on. A team of four engineers and nine assistants was needed for a four-month stay on the spot to complete the task assigned to the expert.

The report is before the Committee in a condensed form in annex III to the report of the Committee (A/31/218) which I have the honour to introduce. It contains details of every building in Quneitra, to the extent of course that the expert on the spot had access to the place concerned. The results of that expert knowledge, as I have said, are annexed to our report. It will be realized that 97 per cent of the damage noted was caused deliberately, according to the expert's conclusions. He assessed the total value of the damage caused by deliberate acts in the town of Quneitra at 463,133,694.20 Syrian pounds, at 1967 value. That enormous task, I repeat, carried out by a particularly well qualified expert, shows that occupation and war can have such an influence on men as to cause them to behave in a totally inexplicable way. For what could explain the destruction of a town of more than 50,000 inhabitants if not the bitterness and hatred that accompany strategic motives?

The International Committee of the Red Cross, for its part, deplores the consequences of the occupation. Referring to the unresolved problems which fall within the scope of the Fourth Geneva Convention, the Committee states that, in the occupied territories, it is seeking to ensure respect for that Convention; and, after having affirmed that that Convention is applicable and cited the destruction of houses, the Committee says that in 1975 -- the year of the report -- 57 cases of destruction and 11 cases of damaged houses were brought to its attention. The Committee also stresses the expulsions. These are all acts contrary to the Geneva Convention. I have no need to recall all the provisions of that Convention to the Committee; I shall merely quote some of them.

(Mr. M'baye, Senegal)

Article 29 deals with the responsibility of a State for its agents -- representatives will see in the report that the colonists, in particular those at Kiryat Arba, do not hesitate to engage in acts of repression, even against children.

Article 31 makes it illegal to compel anyone to be an informer; but Mrs. Langer, in referring to the law of 1972, has said that that obligation is established and failure to respect it is punished as a violation.



(Mr. Mbaye, Senegal)

Article 32 prohibits brutality; article 33 prohibits collective punishment and reprisals; article 49 prohibits the forced relocation of populations; article 53 prohibits the destruction of property or movable goods except when such destruction is absolutely necessary because of military operations, article 65 prohibits retroactive regulations and article 67; and, finally, articles 79 and those following establish rules concerning the treatment of internees.

The documents to which I have referred are available to members and the Committee is ready to furnish any clarification that may be desired.

It was my duty to introduce the report of the Special Committee to this Committee, but it also my duty to express my regret that the situation in the occupied territories has hardly changed since 1968. In fact, I must say that since the adoption of the report major events have taken place in the occupied territories, notably in Hebron, where acts of profanation have been committed inside the Al-Ibrahimi Mosque. We feel that the emphasis should now be placed on the humanitarian aspects of this painful problem. That is why we have always stated whenever a report has been submitted that a system of protection should be established by our Organization for the civilian populations, similar to that of the protective authority provided for in the Geneva Convention. We are not particularly attached to any given form of protection; the essential thing is that there should be one. Unfortunately, we have a very clear feeling, in the words of the report:

"... that a section of the United Nations support an attitude calculated to prevent the enforcement of the Fourth Geneva Convention by denying to a body established by the United Nations itself -- the most representative organization in the world -- the opportunity of investigating the condition of a people under foreign military occupation." (A/31/218, para. 359)

It will be necessary for the Committee to decide to give the report of the Committee a broader circulation in order to make the masses aware of the problems which arise and thus to obtain their help and support for the return to a normal situation in the Middle East.

(Mr. M'baye, Senegal)

A little more than two months ago Mr. Ian Smith was saying that there was no question of placing power into the hands of "non-civilized" people. Members can assess the scorn, hatred and racism which inspired that statement. However, a few weeks later he showed to some extent that he was much more flexible in his statements, and was even denying what he had previously said. In the interval, the envoy of a super-Power had visited that territory. Members will readily appreciate what I am talking about.

If I have told that story it is to show that the efforts of the United Nations will remain ineffective as long as certain States which decide international events, either in isolation or together, refuse to agree frankly and fully to contribute to a just solution of the Middle East problem, a solution which necessarily requires the end of the occupation, the recognition of the rights of Israel and the restoration to the Palestinian people of its legitimate rights.

Every day that passes excites, exacerbates and encourages the occupied peoples to revolt, irritates the occupiers and crystallizes the bitterness, thus dangerously compromising the co-operation among all the inhabitants of the Middle East, whether Arabs or Jews, because in the end it is that co-operation that we are most sincerely appealing for, it is that co-operation alone which, within a legal framework to be defined, will be able to serve the development of peace, and thus fundamental human rights.

The CHAIRMAN: I should like to inform the members of the Committee that I have received two requests, one from the representative of the Syrian Arab Republic and one from the representative of Israel, that they be given an opportunity to show films of an approximate duration of 20 minutes each which relate to the item before the Committee. I have therefore made technical arrangements for those two films to be shown in this conference room. I have received a request that the film showings should form part of the meeting of this Committee and should not take place during a suspension of the meeting, as in the past.

Mr. MOUSSA (Egypt): The delegation of the Arab Republic of Egypt wishes to put on record the most explicit reservations concerning the showing of an Israeli propaganda film in this room, in which evidence has been given of the most serious challenges by the Israeli authorities to the tenets of the Charter, the rule of law and the provisions of human rights conventions. We consider this Israeli request to be another attempt by the Israeli occupation authorities to deceive international public opinion, and as further evidence of the Israeli challenge to this Organization. It is also an attempt by the Israeli occupation authorities to seek to justify and obtain sanction for Israel's occupation of the Arab territories. We do not understand how the Israeli occupation authorities could be permitted to show a film which is intended to be an apology for occupation, occupation which constitutes a violation of the principles of the United Nations Charter, international law, the international will and the basic provisions of human rights.

Mr. BISHARA (Kuwait): Mr. Chairman, in all fairness I must say that I cannot accept the arrangements that you have made to show the Israeli film here. The Special Political Committee cannot be subjected to a display of the virtues of occupation. The Israeli film is intended to display the virtues, benefits and advantages of occupation. That is a macabre logic which we cannot accept. We might just as well allow South Africa to come here tomorrow and display the virtues and benefits of apartheid. That is a logic which my delegation cannot countenance, sanction or accept.

(Mr. Bishara, Kuwait)

If the Israeli representative has something to show on the virtues of occupation, he has the right to show it at the Waldorf Astoria, the Regency Hotel or any theatre in which he would be willing to display it but not in the Special Political Committee, whose mandate is to investigate Israeli violations of the Charter, of the Geneva Conventions and of human rights. But he does not have the right to come here and sermonize by showing a film on the virtues of occupation.

Mr. Chairman, my delegation therefore does not accept the arrangement which you have made. With all due respect, I request you put it to a vote.

Mr. ALLAF (Syrian Arab Republic): My delegation wishes to associate itself fully and completely with the statements just made by the representatives of the Arab Republic of Egypt and Kuwait.

We consider the Israeli request to show a propaganda film advocating the benefits and advantages of occupation an insult to this body, which is the United Nations Committee which has been requested to deal with the evils of Israeli occupation. This is shocking hypocrisy on the part of the Israeli aggressor, the representative of the régime which, as we have just heard, has objected to giving permission to the Special Committee to investigate Israeli practices in the occupied Arab territories, as it has been requested to do by the General Assembly. That régime for eight years has not allowed the Special Committee access to those territories.

We consider it an insult to the United Nations for that representative to come here now and request to show an Israeli propaganda film about occupation. The film which we have requested to show is not a Syrian film; it is a foreign documentary film relating to a section of the report which has just been introduced by the representative of Senegal.

Therefore, my delegation would object in the strongest manner to any permission being granted to the Israeli representative to present a propaganda film here about Israel's occupation by aggression of the Arab territories, and we support the request made by the representative of Kuwait.

Mr. EL-SHIBIB (Iraq): I shall try to speak dispassionately and unemotionally about what has been stated about the Israeli request.

If we are to show two films on the basis of what seems to be even-handedness, let me say that this is totally false and unacceptable to my delegation. Israel's objective in showing this film could only be either to show that there is virtue in occupation, which, as previous speakers have noted, is an insult to the United Nations, this Committee and the very principle upon which this whole Organization is predicated, or to rebut the report of the Special Committee which was duly established eight years ago by the General Assembly to investigate Israeli practices in the occupied territories.

Perhaps what the Israeli film purports to show is that the report of that Committee is inaccurate. But Israel has had every opportunity to prove that to the Committee. So, affording Israel, which has refused to co-operate with the General Assembly and with the Committee established by the General Assembly, the space and the time to play this game upon us is totally inadmissible.

My delegation therefore requests that we should take a vote on the Israeli request. We shall oppose that request and we shall certainly not sit here and be subjected to being shown a propaganda film by Israel praising the virtues of occupation and violations of human rights.

The CHAIRMAN: I call on the representative of Kuwait on a point of order.

Mr. BISHARA (Kuwait): Mr. Chairman, without going into the merits of the discussion, I made a motion formally to put your decision to the vote. My delegation cannot go along with the arrangement for the displaying of the virtues of occupation, and I therefore request you that it be put to the vote.

The CHAIRMAN: The request of the representative of Kuwait is of course noted and we have seen that there are already two representatives supporting it. However, as there are others who have requested to speak, I shall now, if I may, proceed by calling on the next speaker, the representative of Pakistan.

Mr. KHAN (Pakistan): My delegation fully associates itself with the reservation of the delegation of Egypt.

It is really strange that an aggressor should come forward to put his point of view in a Committee which has just had a report presented to it. The reports of the Special Committee to Investigate Israeli Practices in the last few years have followed the same pattern. They have declared in very clear terms that the Israelis have never afforded the Committee an opportunity for access to the occupied territories and have held that they have violated the principles of international law and international conventions, and now Israel comes forward to put up a propaganda film.

In my delegation's view this is a very shabby attempt to pretend to the world about what the Israelis are doing and, as has already been said, it cannot be accepted in an international forum which has already made its views known in resolutions on Israeli practices in the occupied territories. Acceptance of this would be a very tragic event.

Therefore, my delegation agrees and requests that this should not be allowed.

The CHAIRMAN: I should like at this point to clarify -- especially for the benefit of the representative of Kuwait -- something that I said earlier. Only technical arrangements have been made for the showing of films. No decision has been reached.

Mr. DROZDOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Government has constantly stated, and it states again now, that an essential condition for the solution of the Middle East problem is full withdrawal of Israeli troops from the occupied Arab territories. The showing of a film by the Israeli delegation is designed to confuse our Committee and, in practical terms, to justify the occupation of the Arab territories. Hence, the Soviet delegation cannot agree that such a film should be shown in this Committee, and it supports the proposal of the Arab delegations.

Mr. KASRAWI (Jordan): My delegation fully agrees with the objections and reservations expressed by the representatives who spoke before me with regard to the proposed showing of the Israeli film about the occupied territories.

Israel would do much better, instead of asking for the showing of a film which would be purely and simply propaganda, to allow the Special Committee to visit the occupied territories and see for itself what is actually happening there.

Mr. REDONDO (Costa Rica) (interpretation from Spanish): In the question before us the United Nations is attempting to act as a judge. The item before us is extremely important and many subtle points are involved. As judges, we the representatives of our respective countries must listen to both parties. Any judge needs to know all the elements of the evidence in order to make a just and fair decision.

My delegation therefore believes that it is not only appropriate but also desirable to hear all the views. It is proposed that two films be shown here, and my delegation does not see any reason why they should not be shown.

Mr. YANSANE (Guinea) (interpretation from French): Mr. Chairman, your clarification made things easier for me. We thought a decision had been taken, because some arrangements had been made. Since, however, we must decide whether or not this film should be shown here, I believe that there is no need to prolong the debate.

We shall not be so insulting as to authorize Israel to show a film here that it did not show to the Special Committee. That Committee, which we ourselves established, must give us all the evidence necessary for us to make a judgement. I must say, in all sincerity, that Israel should have shown the film to the Special Committee.

Mr. MUBARIZ (Yemen) (interpretation from Arabic): I should like to state my delegation's objection to the request by the representative of Israel that a film be shown here. On behalf of my delegation I must say that we view this as a falsification of facts. Had there been any facts to disprove what is known about Israel's violation of human rights in the occupied Arab territories, Israel would have allowed the Special Committee to visit the occupied territories and obtain firsthand information about the situation.

I therefore regard the request by the representative of Israel as simply an attempt to obstruct this Committee's work and to make its task more difficult.

I would add that, so far as I know, the purpose of our discussion of this agenda item was to review Israel's violation of human rights, not to obtain various points of view on this subject, including the points of view of Israel and the Special Committee.

Mr. DORON (Israel): The objections that we have just heard are typical of the attitude of the countries on whose behalf they have been made. Some of these representatives have been blinded to such an extent by their vitriolic opposition to anything that comes from Israel that they cannot even read correctly the heading of the report that is to be discussed under agenda item 55. For example, we heard the representative of Kuwait say that



(Mr. Doron, Israel)

the report deals with violations by Israel of the rights of the population of the territories. The representative of Syria alleged that the report deals with the evils of Israeli practices. The representative of Yemen also spoke just now of alleged violations which the Committee is to discuss. That is not so at all -- or at least it should not be so. The heading of the report is: "Report of the Special Committee to Investigate Israeli Practices" -- not "Israeli evils" or "Israeli violations", but "Israeli practices" -- "Affecting the Human Rights" et cetera.

The Special Committee's report is, unfortunately, one-sided, and the Arab and other representatives who have spoken here this afternoon against the showing of the Israeli film wish the debate to be even more lopsided -- if that is possible.

An Arab film, which deals with death and destruction, should be shown here; but an Israeli film, which deals with life and construction, should not be shown. The Israeli film depicts agricultural co-operation between Arabs and Israelis in the administered areas. It would give this Committee a glimpse of the true situation there. It would show certain aspects of Israeli practices, because the extension of help to the local population is certainly part of Israeli practices in the administered areas that, allegedly, are being investigated.

(Mr. Doron, Israel)

In fact, the film that is to be shown here is nothing but an audio-visual extension of the statement of the delegation concerned; so the film the Syrian delegation wishes to be shown is actually part of that delegation's statement and the Israeli film is part of the statement of my delegation. No privileges should be given to one side that are denied the other. I think this is such an elementary principle that to argue otherwise would be rather strange, to put it very mildly.

The film we should like to have shown is most relevant to the discussion of the agenda item. As I have already said, it shows an important aspect of Israeli practices in the areas, which are precisely the subject matter of the report.

I would therefore request you, Sir, as Chairman of our Committee, to rule that both films should be shown or none at all.

Mr. EMILIANI (Colombia) (interpretation from Spanish): If a film is shown to support the statements of one side, then the other side also should be allowed to show a film. That is merely elementary.

Moreover, we are not children here. We cannot allow ourselves to be distracted.

Colombia wants to form its own impartial view on this question, and consequently it requests that both films be shown. The only suggestion we would make to the Chairman is that the films should not form part of the meeting or influence our judgement because film does not provide very effective legal proof as it lends itself to showing only what is most convenient to the party concerned. Thus I do not think film is very adequate as an element of proof. Perhaps it would be best for the screenings not to be part of the meeting.

Mr. EL HOFARI (Libyan Arab Republic) (interpretation from Arabic):  
Mr. Chairman, I have already extended congratulations to the officers of the Committee. I should now like to express to you my delegation's gratitude for the manner in which you have directed the work of this Committee.

On behalf of the Arab Group, which is headed by Libya, I should like to thank Mr. M'baye, Chief Justice of Senegal, for the valuable statement he made a few moments ago, in which he presented the report of the Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Arab Territories. His statement was comprehensive and clear, and Mr. M'baye has referred to the various considerations which led to the preparation of this report.

In accordance with rule 58 of the rules of procedure, I should like the statement of Mr. M'baye to be circulated in full in the records of this meeting.

The situation in the occupied Arab territories requires no clarification by the Zionist authorities. In addition to the facts adduced by those speakers who have preceded me, the occupied Arab territories have this year witnessed bloody events and repressive measures by the Israeli occupation authorities against the Arabs which have made it necessary for the Security Council to meet three times.

Therefore, and for the reasons listed by previous speakers who have objected to the showing of this film, I should like to express by delegation's objection to its being shown..

The CHAIRMAN: The Committee has just heard the request of the representative of the Libyan Arab Republic that the full text of the statement made at this meeting by the representative of Senegal be circulated to the members of the Committee. In this connexion I wish to recall that, by a decision taken at the fourth plenary meeting of the thirty-first session, the Assembly has this year again authorized our Committee to obtain, on specific request of the kind just made, transcriptions of the debates of some of its meetings or portions thereof. I shall therefore take it that the Committee wishes to request that a transcription be made in accordance with that special authorization.

It was so decided.

Mr. FADHLI (Democratic Yemen): Since the representative of Kuwait has made a proposal and many delegations have supported it and others -- perhaps three -- have opposed it, the only way the Committee can decide the matter is for that proposal to be put to the vote.

My delegation would like that vote to be taken now.

Mr. ALLAF (Syrian Arab Republic): As usual, we have heard new distortions from the representative of the Zionist régime. A verse of our Koran says, "Do not come near the prayer when you are drunk." It is as if the Zionist representative had quoted only part of that verse, saying, "Do not come near the prayer" and omitting, "when you are drunk". Thus he gave the title of the report of the Special Committee as, "Israeli Practices", and he forgot all about the words "affecting the Human Rights of the Arab Population in the Occupied Territories". That is one thing.

The CHAIRMAN: I call on the representative of Israel on a point of order.

Mr. DORON (Israel): I made that statement just five minutes ago and I think the memory of it should still be fresh. I would like to ask the officers of the Committee to inform the representative of Syria of what I said, because I read out the complete heading. I said: "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights", and then I said "et cetera". So I mentioned the words "human rights", which he has just now denied my saying, when he knows that I did mention them. So his example and the quotation are completely misplaced.

Mr. ALLAF (Syrian Arab Republic): As usual, the Zionist representative has again added insults to his lies. There is a recording of what he has stated, and I accept his challenge to refer to the recording at the proper time. That is not important.

That is one thing.

The second thing is that he also said that the film we have requested to show constitutes a part of our statement. This, again, is a lie, and in my previous statement I indicated as much.

We are not requesting to show a Syrian film, and we are not going to deliver our statement on the report of the Special Committee at this meeting. The film that we have requested to show is a foreign documentary film which relates to facts. It is not a propaganda film: it shows only the very things that are described in the text of our report, and we are not trying to make any propaganda in the film. It is not our film: it is a foreign film. That is the second thing.

The third difference between us and the Zionist régime is that we have been co-operating fully with the Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. We have welcomed the Committee into our land; we have invited the Committee, as is clear from the report, to visit Quneitra and to visit our territory in order to meet with victims. We have opened our doors to every neutral and non-neutral visitor to make his own investigation -- something that has never been done by the Israelis.

(Mr. Allaf, Syrian Arab Republic)

The Zionist representative has confessed in his statement that what he is going to show us is just propaganda about the economy -- about plantations and things that have nothing to do with the situation in the occupied territories and the suffering of the people there. They concern the same old theory about how well those people are living under occupation. By the same token, just imagine, as the representative of Kuwait stated before, permitting the representative of the other racist régime, South Africa, to come here and show you a film about how our African brothers in Azania are living under apartheid. I think that that would be an insult coming from that régime, as would be the showing of this film by the Israeli régime here.

As we have just heard from His Honour the Chief Justice of the Supreme Court of Senegal, for eight years the Israeli régime has been refusing the Special Committee access to, and permission to enter, the occupied territories for purposes of investigating the situation there. So how is it that the Israeli delegation is now so keen on showing what is going on in the territories?

For all these reasons, we cannot accept that. And here I appeal to our two Latin American brothers who have spoken and shown an interest in knowing the two sides of the story -- I appeal to them, if they are really keenly interested in that, to ask the Israeli representative to seek permission for the Special Committee to go to the occupied territories in order to conduct an investigation. Thus they could be sure of the real story coming from both sides. And may I say that we object very strongly to any comparison, or the drawing of any parallel, between our request and that of the Zionist representative.

Mr. VROOM (Netherlands): Speaking on behalf of the Nine, I would like to say that we are sorry that this question should become a point of controversy; we do not understand why it should be put to the vote. It is normal that in a United Nations debate we should be prepared to listen to the views of all sides. This opinion does not prejudice our position on the substance of the question. It is inspired by our adherence to the principle of freedom of speech. We support the right of all Members of the United Nations to present audio-visual material, just as we support their right to speak. We would oppose any departure from these elementary principles.

Mr. STANBURY (Canada): The Canadian delegation understands that the films proposed for showing are presented as reflecting the views of each of the delegations making the request, whether or not they may be taken to form part of the statement of each respective Member State.

Now, it is our view that there is an important principle at stake, in that all Member States must have the right to be heard and to present their views in whatever way they see fit. It is also a question of the rights of the other Member States to hear all sides of any question.

The Canadian delegation would like to join in the appreciation that has been expressed to the representative of Senegal, the Chief Justice, for presenting the report as he did. We consider this to be a matter of great seriousness that should be fully explored in this Committee. For our part, not having seen either film proposed for showing to the Committee, the Canadian delegation would be interested to see both films so that, rather than making any assumption as to their contents or their biases, we will have the opportunity to judge them for ourselves. We trust that each of them will assist us in coming to conclusions on this most serious matter.

Mr. REDONDO (Costa Rica) (interpretation from Spanish):

I wish merely to reply to something that was said by the representative of Syria, who asked the delegation of Costa Rica and I believe, also the sister country of Colombia, to appeal to Israel to admit the investigating Committee to the occupied territories so that it can carry out the task with which it was entrusted by the General Assembly. I do not think that it is really up to my country to take that step. Moreover, I believe that the crux of the matter lies in the composition of the Committee itself.

My delegation is of the view, that one day, if there were an investigating committee without any bias whatsoever, not only would we accede to the request of the Syrian delegation, but we would view with great satisfaction the fact that an investigation could be carried out as impartially as required by the circumstances.

Ms. JONES (United States of America): My delegation would like to associate itself with the remarks just made by the delegation of the Netherlands. We firmly believe that all Member States represented here must be treated equally. If one Member State is given the opportunity to show a film in this chamber in connexion with an item on the Committee's agenda, all members must be given the same opportunity. This is not only proper and elementary under the Charter and our rules of procedure, but a basic extension of the right of free speech.

Regardless of any delegation's views on the substance of the agenda item before us, I would hope that they would support the principle of free speech and permit both films in question to be shown.



The CHAIRMAN: The statement of the representative of the United States will be duly taken into consideration and of course will be fully reflected in the records.

Mr. EL-SHIBIB (Iraq): There are one or two points which I believe need further clarification. I am not going to reply to the speakers whose commitment to supporting every Israeli position and every Israeli practice is too well known to this Committee to be worthy of a reply here. I wish only to clarify one misconception which might escape some representatives -- that is, regarding the principle of free speech and the statement that judgements should be based on hearing both sides.

Firstly, we have already heard the Israeli arguments on this subject, and I am sure that we shall hear the Israeli representatives many times in the future. So the principle of free speech has not been infringed. Secondly, the Syrian representative has made it very clear that this film does not reflect the Syrian Government's point of view. It is not part of the Syrian Government's statement on this subject. It is a documentary film made by a foreign company and is shown here as further evidence to support and enrich the debate here. The Israeli representative might be fully entitled to call for the same right if Israel had co-operated with the Committee. Then it could claim that it had the right to present further elements in this debate. But it has refused to allow the Committee to come into the occupied territories and investigate. If we are here to allow Israel to use a double standard and deny the responsible Committee the right to do its work by going to investigate at any time and in any place and then allow it to come to this forum under the false pretext of free speech to show a propaganda film, then we are making a mockery of our time, of the money of the United Nations and, I think, of our respect for the principle of the right of people to be free in their countries and not under occupation, whatever colour and whatever label that occupation gives itself.

Mr. OULD HAYE (Mauritania) (interpretation from French): We have just heard the introduction of the report of the Special Committee. It was eloquent and it shows that Israeli practices are in fact violations of human rights and obstruct the Committee's activities. In those circumstances we should not permit the showing of an Israeli film which is in fact an attempt to discredit the work of the Committee and not only supports Israeli activities but also is a challenge to our Committee.

The case of Syria is quite different. Syria has provided all facilities to the Committee. Syria is not an aggressor. The Israeli attempt is a new attempt to obstruct the search for truth, like the many attempts at obstruction in the past. Thus, we are vigorously opposed to the showing of the Israeli film, but in no case can we regard Syria and Israel as being on the same footing in this matter.

Mrs. UNAYDIN (Turkey): In view of the lateness of the hour, I should like to make a motion for adjournment. My delegation feels that this might allow the interested parties to hold consultations with a view to reaching some kind of consensus or understanding on the issue.

The CHAIRMAN: The motion of the representative of Turkey is of course taken into consideration. However, I should like to say that we have one more speaker on our list. We shall proceed with that statement and then put the motion.

Mr. DORON (Israel): The statements of some of the representatives who oppose the showing of the film on behalf of Israel and advocate the showing of the film that Syria wishes to be exhibited show a remarkable confusion of thought. The question of who made the film that Syria wishes to show is completely irrelevant. Whether it was made by Syria or by a foreign company, it is a film which the Syrian delegation wishes to show. Secondly, the question of the co-operation or lack of co-operation with the Committee of investigation, again, is completely irrelevant to the right to receive equal treatment in this Committee when a report is being considered. These two points should be made quite clear and should be borne in mind.

The CHAIRMAN: I now call on the representative of Kuwait, keeping in mind of course that we have the proposal by the representative of Turkey for the adjournment of the meeting.

Mr. BISHARA (Kuwait): My delegation whole-heartedly endorses the proposal of the Turkish representative and I think it will afford due time for consultations. However, while I am speaking I want to make a small observation.

The mandate of the Special Political Committee is to relieve the occupied Arab territories of occupation -- in other words, to terminate the occupation by Israel of Arab territories. The film of the Syrian delegation is in line with that mandate. Now the delegation of Israel wants to show a film, on what? Not on the termination of the occupation but on pontification about the occupation -- in other words, they want to whitewash, to extol and highly exalt the principle of occupation.

(Mr. Bishara, Kuwait)

Therefore, that is why my delegation originally opposed on principle the showing of that film. Had it come from another country I would have done the same. It was not because it emanated from Israel. It is a matter of principle for us.

However, notwithstanding all that, I fully endorse the proposal of the representative of Turkey, and I think that it will afford time for consultations. But we will not accept the whitewashing or sermonization about occupation.

Mr. FADHLI (Democratic Yemen): Mr. Chairman, I am surprised to see you jumping on a motion made by the representative of Kuwait. It has taken a long time to allow all representatives to present their points of view, but you have not referred to that motion which was made at the beginning of our deliberations.

The CHAIRMAN: The motion put forward by the representative of Kuwait has, of course, been taken into consideration, but we are now faced with a motion to adjourn the meeting. However, Sir, both you and the representative of Kuwait can be sure that the latter's motion has been duly taken into account.

Mr. BISHARA (Kuwait): Mr. Chairman, I shall not insist on my motion at this meeting. I should like you to have more time for consultations. That is why I endorsed the proposal of the Turkish representative for consultations and for adjournment.

The CHAIRMAN: That is what I had understood.

Mr. FADHLI (Democratic Yemen): Mr. Chairman, my delegation had not understood that at the beginning. It has just understood at this moment, in fact.

The meeting was adjourned at 6.05 p.m.