

SUMMARY RECORD OF THE ONE THOUSAND AND EIGHTIETH MEETING

Held on Friday, 20 March 1970, at 3.30 p.m.

Chairman:

Princess Ashraf PAHLAVI

Iran

later,

Mr. ERMACORA

Austria

QUESTION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST, INCLUDING THE REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS (COMMISSION RESOLUTION 6 (XXV) (agenda item 5) (E/CN.4/1016 and Add.1-5; E/CN.4/L.1142) (continued)

Sir Keith UNWIN (United Kingdom) said that under Article 56 of the Charter the United Nations was competent to consider and act on violations of the human rights referred to in Article 55 and that the Commission should consider violations wherever they occurred. It was also the duty of Member States to ensure that the Charter, the Universal Declaration of Human Rights and the relevant international conventions to which they were parties were faithfully observed within their territories. United Nations organs, like the Commission, should avoid dealing with matters which were primarily the responsibility of other bodies; that is, the Commission in the present instance, should concern itself with the human rights problems and avoid political issues, however difficult it might be to make the distinction.

His delegation had abstained in the vote on resolution 6 (XXV) establishing the Special Working Group of Experts. While it would favour the investigation of possible violations of human rights under arrangements which were acceptable to all the parties concerned, it could not endorse the conclusions and recommendations of the Special Working Group because those arrangements could not be made; and the Group's report itself stated that it was based on evidence from one side only. He was convinced that all members agreed that full enjoyment of human rights could not become a reality unless peace prevailed.

Mr. KHALAF (United Arab Republic) recalled that when the Commission had adopted resolution 6 (XXV), Israel had announced that it would not co-operate with the Special Working Group. That categorical refusal indicated that Israel had no desire to negotiate, showed a lack of respect for the Commission and was a threat to the viability of the United Nations. For a country which claimed to be the guardian of democracy in the Middle East, Israel's policy could hardly be said to be democratic. By refusing to co-operate, Israel was attempting to conceal its crimes and its intention to annex the regions "liberated" by Israeli troops.

The Israeli representative had maintained that Commission resolution 6 (XXV) had been approved by a minority of the members and was unconstitutional, but he had forgotten that the decision to partition Palestine had been adopted by only a bare majority. He rejected the arguments of the Israeli representative, stressing that the Commission must have adequate machinery if it was to take concrete action and not remain merely a forum for debate. /...

(Mr. Khalaf, United Arab Republic)

Despite Israel's obstinacy, the Special Working Group had visited four Arab countries directly involved in the situation and had heard many witnesses representing all segments of society. The similarity of their testimony was a proof of its veracity. There could be no question that the Special Working Group had been juridically empowered to verify the allegations received.

The Group's conclusions should be read in conjunction with the testimony, which depicted a very moving contemporary human drama. He read out extracts from the testimony of Catholic and Orthodox religious leaders describing the ill-treatment of religious persons and the profanation of holy places, and other testimony describing the gradual, systematic destruction of Arab villages and the brutal treatment to which prisoners had been subjected.

Statements to the contrary notwithstanding, there was ample evidence that the situation had not improved in the past two years. Israeli newspapers had refused to publish, even as paid advertising, a protest by eminent Israelis against the violations of human rights perpetrated in the occupied territories. The publication of the protest in Pravda had aroused the ire of the Israeli authorities, who had conducted a witch hunt, accusing the writers of being disloyal to Israel. Refugees were still unable to return to their land; conditions in refugee camps were deplorable; and many refugees were arrested and detained or imprisoned without cause. A report by Amnesty International on an inquiry made early in 1969 stated that there was serious substantiated evidence of the ill-treatment of prisoners and that Israel's reply pursuant to the inquiry had left many question unanswered. Statements by Prime Minister Golda Meir and Defence Minister Moshe Dayan concerning Israel's intention to institute collective punishment indicated that the situation would deteriorate further.

It went without saying that peace was a prerequisite for a final solution to the problem. However, political and human rights violations must be prevented pending the restoration of peace. The rights of the Arabs must be protected; they were determined to defend their land. The Commission should express the firm conviction that the provisions of the fourth Geneva Convention must be applied to the occupied territories.

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Mrs. HAUSER (United States of America) said that her Government remained deeply concerned about violations of basic human rights throughout the Middle East since such violations were both a cause and the result of the difficult political situation prevailing in that area. It was particularly concerned over the plight of the civilian population in the area of the 1967 Arab-Israeli conflict. Its concern was based on the Universal Declaration of Human Rights and the many resolutions on the subject adopted by United Nations organs as well as on a large body of international law, including the 1907 Hague Regulations on the Laws and Customs of Land Warfare and the Geneva Conventions of 1949, in particular, the Fourth Convention relative to the Protection of Civilian Persons in Time of War to which virtually all Members of the United Nations, including all the parties directly involved in the conflict in the Middle East, had acceded.

The United States Government had always been willing to support a balanced approach to the question of the violation of human rights in the Middle East; accordingly, it had supported Security Council resolution 237 (1967) and General Assembly resolution 2452 A (XXIII) and had made every effort to bring about a peaceful settlement of the political problem in accordance with Security Council resolution 242 (1967). Its concern over human suffering in the area was also reflected in the high level of its contributions to the United Nations Relief and Works Agency.

The United States delegation had abstained in the vote on the Commission's resolution 6 (XXV) because it did not believe that the resolution was balanced in approach or substance. It dealt only with problems of human rights in the territories occupied by Israel and ignored similar problems in other parts of the Middle East. Such an approach was not consistent with the broader scope of the investigation undertaken in 1967 by the Special Representative of the Secretary-General, Mr. Gussing. The United States believed that the protection of the human rights of all peoples in the Middle East should be a subject of concern to the Commission. The fact of occupation was not the focal point; those living in the occupied territories and those living in non-occupied territories elsewhere in the Middle East had experienced certain losses. Article 13 (2) of the Universal Declaration of Human Rights applied directly both to the Palestinian refugees, to whom General Assembly resolution 194 (III) had been specifically directed and to

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(Mrs. Hauser, United States)

other inhabitants of Middle Eastern countries. Under the Universal Declaration of Human Rights, any person was entitled to all the guarantees necessary for his defence and to freedom from torture and cruel or degrading treatment. That was why her delegation was concerned about mass trials and hangings, whether of Moslems, Jews or Christians. In the view of the United States Government, the minority populations, including Jews, particularly in Syria and Iraq, had been deprived of other rights proclaimed in the Universal Declaration of Human Rights, such as freedom of access to employment and to social and cultural opportunities and freedom to practise their religion.

Mr. AL-SHAWI (Iraq), interrupting on a point of order, objected that the representative of the United States was not dealing with questions relating to the item under discussion but was interfering in matters which were within the domestic jurisdiction of other countries, including his own.

Mrs. HAUSER (United States of America), continuing her statement, said that there was no reason to limit the Commission's commitment to protect human rights to one group of people in the Middle East to the exclusion of others.

Although, as had been stated at the Commission's twenty-fifth session, her delegation did not favour extension of the mandate of the Ad Hoc Working Group which had been established to deal with problems in southern Africa, to encompass the problem under consideration, particularly since a procedure for inquiry already existed under article 149 of the Fourth Geneva Convention, it nevertheless felt that the report of the Special Working Group of Experts should be considered together with all other available evidence. She welcomed the temperate and judicious nature of that report and in particular the statement contained in chapter IV, paragraph 1 (a), that from a juridical point of view there appeared to be no question as to the applicability of the Fourth Geneva Convention to all the occupied territories, including Jerusalem. It was regrettable that Israel continued to deny that the Convention was applicable to the occupied territories, although it had complied with many of its provisions. Since the Special Working Group of Experts acknowledged in its report that it had not been in a position to verify juridically the allegations that had been made, her delegation felt that it would be improper to regard the testimony received by the Working Group as

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(Mrs. Hauser, United States)

conclusive. Her delegation, in assessing the situation, had also relied on information received from the International Committee of the Red Cross, the United Nations Relief and Works Agency and other reliable sources.

Her delegation was not insensitive to reports of Israeli actions in the occupied territories which appeared to contravene the Fourth Geneva Convention. In contravention of article 49, for instance, transfers of civilian population had taken place in the occupied territories. The United States Government had repeatedly expressed its strong reservations with respect to such transfers because they might prejudice a political settlement, and the United States had shown its support for the right of the refugees to return to their homes by supporting Security Council resolution 237 (1967) and subsequent General Assembly resolutions on the subject. Her delegation had also supported Security Council resolution 267 (1969) concerning Israel's policies and practices in Jerusalem, and had repeatedly stated its views regarding the destruction of private property in the occupied territories. It felt, however, that the Commission's basic task should not be to make recriminations but to determine what effective action was possible to ensure that human rights were protected in future. In her Government's view, there was no need for further investigations or studies or for more heated debate or condemnatory resolutions. What was needed was action to ameliorate conditions in the area and to bring about a just and lasting peace.

Her delegation therefore wished to make the following suggestions: first, all parties to the conflict should scrupulously observe the Fourth Geneva Convention and countries whose territory was occupied should nominate a Protecting Power in accordance with article 9 of that Convention, perhaps a neutral State or an international organization such as the International Committee of the Red Cross; second, when appropriate, steps should be taken in accordance with the procedure established in article 149 of the Fourth Geneva Convention for dealing with complaints of violations; third, both sides must abide by their responsibilities under the Universal Declaration of Human Rights; and fourth, and most important, the effort to achieve a permanent settlement of the conflict must be pursued vigorously because until it was achieved instances of violations of human rights were likely to recur. A lasting solution could only be found when all Governments

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(Mrs. Hauser, United States)

concerned complied with the pertinent Security Council resolutions. She urged all Governments represented in the Commission to make every effort to contribute towards a just and lasting peace. Her own Government would continue its efforts since, as President Nixon had said, the United States was not pro-Israeli or pro-Arab, but pro-peace.

Mr. TÖRNUDD (Finland) said that his delegation had abstained in the vote on the Commission's resolution 6 (XXV) because it had been unable to separate concern for human rights from the general political implications of the conflict in the Middle East, in respect of which Finland wished to maintain its traditional policy of neutrality. In the view of his delegation, however, the United Nations was right to concern itself with the welfare of all human beings who suffered as a result of that conflict and the norms of international law concerning the protection of human rights in armed conflict should be further developed and strengthened. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to which Israel, Jordan, Syria and the United Arab Republic were all parties established pertinent norms but it had unfortunately not yet been possible to apply the procedures provided under that Convention, such as the appointment of a Protecting Power. His delegation wished to associate itself once again with the numerous appeals already made by various United Nations bodies and by the International Conference of the Red Cross for the full application of the Fourth Geneva Convention. Its provisions should be observed in good faith, even where there were difficulties connected with the implementation of the procedural rules it contained and the humanitarian rules which formed the greater part of it should be applied even if a State involved in the conflict had not yet ratified it.

His delegation was not convinced that the Special Working Group of Experts was in a position to carry out the task of fact-finding satisfactorily, although its efforts were commendable; his delegation, therefore, could not analyse the substance of its report or draw definite conclusions from it. He welcomed the assurance given by the representative of Israel that complainants could go to Israel and seek redress through the judicial process, but felt that, for various psychological and political reasons, few would avail themselves of that opportunity.

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(Mr. Törnudd, Finland)

He would therefore consider it proper for the Israeli authorities to investigate alleged violations of legal norms concerning the protection of civilian persons and take any necessary action. Indeed, any Government confronted with such allegations had a duty to take such steps.

Mr. CALOVSKI (Yugoslavia) said that it would be inexcusable for the Commission not to consider the important question of the violations of human rights and fundamental freedoms in the Arab territories occupied by Israel. It was clear from the report of the Special Working Group of Experts and from the statements made during the debate that such violations were indeed taking place and that Israel's aggression was causing hardship and suffering to the people in those areas. The Palestinian refugees and the so-called newly displaced persons looked to the United Nations for redress of their grievances; the Organization should not abdicate its responsibility but should find a solution to relieve the distress.

The conflict in the Middle East was primarily a political problem and a political settlement was a prerequisite to putting an end to violations of human rights in that area. The implementation of Security Council resolution 242 (1967) represented the best way to achieve a solution to the crisis and restore peace. The destiny of a whole people was at stake, a people which had been forcibly evicted from its land and was now living under foreign occupation. Despite the support of the majority of Member States, the efforts of the United Nations had failed thus far because of Israel's refusal to act in conformity with United Nations decisions.

The report of the Special Working Group of Experts contained abundant evidence of violations of human rights in the occupied territories and no evidence that the Israeli occupation authorities were implementing the Fourth Geneva Convention.

Mr. van BOVEN (Netherlands) expressed his delegation's grave concern about violations of human rights which had occurred and were still occurring in connexion with the hostilities in the Middle East. The question of human rights in the occupied territories in the Middle East was one aspect, and a serious aspect, of the situation in the Middle East as a whole, which should be



(Mr. van Boven, Netherlands)

settled in accordance with Security Council resolution 242 (1967). His delegation believed that the Geneva Conventions of 1949 were applicable in the present case and the procedures provided under those Conventions should first be applied in any investigation into compliance or non-compliance with those Conventions. His delegation had therefore had misgivings concerning the decision taken at the Commission's twenty-fifth session to establish a Special Working Group of Experts outside the framework of the Geneva Conventions. His delegation attached great importance to fact-finding procedures to ensure compliance with human rights standards, but felt that fact-finding should be quite independent of political decision-making. It had some doubts as to whether resolution 6 (XXV) had taken full account of that requirement. Any inquiry was found to be less effective when one of the Governments concerned refused to co-operate. On the other hand, while refusal to co-operate was regrettable, his delegation was aware that the motives for non-co-operation were complex and responsibility could not be attributed to one side only.

Mr. TARASSOV (Union of Soviet Socialist Republics) said that, from the statement made by the Israeli representative at the 1078th meeting, he had gathered the impression that Israel considered its aggression against the Arab States to be justified. The representative of Israel had stated that he did not wish to participate in any further discussion on the issue. He had, quite rightly, relied on certain other delegations to defend him better than he could defend himself. Those delegations represented the countries which were placing weapons in the hands of the Israeli aggressors. The intentions of the Zionists and other imperialist circles were well-known to all the progressive peoples of the world, and the latter must take urgent measures to prevent the outbreak of another serious conflict in the Middle East.

The imperialist policy of aggression and terror in the Middle East was parallel to the United States aggression against the Viet-Nameese people. In the Middle East, Israel was acting as a tool of the imperialists, who wished to overthrow the régimes of the Arab countries that had already freed themselves from the fetters of colonialism and were developing independent progressive societies. The bombing of a metallurgical plant near Cairo, as a result of which eighty innocent workers had been killed, was similar to the massacre at Song My, where hundreds of women, children and old people had been slaughtered. The

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(Mr. Tarassov, USSR)

United Nations had just commemorated the death of sixty persons in Sharpeville, South Africa in 1960, but even more people had been killed as a result of the Israeli attack near Cairo.

The Zionist aggressors were prepared to commit any misdeed in defiance of the most elementary principles of humanity and international law. However, they should not be blinded by their momentary success. The progressive forces of the world would neither forget nor forgive their aggression. Even today, the Soviet people were condemning their barbarous acts and would spare no effort to assist the peace-loving Arab peoples in their legitimate struggle. World public opinion would continue to condemn the Israeli attacks against the national independence and sovereignty of the Arab States for they constituted a grave threat to international peace and security.

The report of the Special Working Group of Experts clearly showed that barbarous crimes had been committed in the occupied territories. In the opinion of his delegation, adoption of the draft resolution which had been distributed to the members (E/CN.4/L.1142) would represent a contribution in the struggle of the peace-loving peoples of the world against the aggressive acts of the imperialist forces of Zionism.

The CHAIRMAN announced that Mr. Baroody, representative of Saudi Arabia, had requested permission to address the Commission. If there was no objection, he would grant that request.

It was so agreed.

At the invitation of the Chairman, Mr. Baroody (Saudi Arabia) took a place at the Commission table.

Mr. BAROODY (Saudi Arabia) said he had asked for the floor because certain members of the Commission had been attempting to confuse the issues that were before it, particularly the item concerning the question of human rights in the territories occupied as a result of hostilities in the Middle East. Indeed, Israel had been spared the necessity of defending its policies because the United States, whose Phantom jets were killing innocent people in the Middle East, had taken it upon itself to defend the Israeli position. As one of the

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(Mr. Baroody, Saudi Arabia)

authors of the Universal Declaration of Human Rights, he considered it his sacred duty to set the record straight.

He and certain others had spent eight years elaborating the principle of self-determination until it was generally recognized as a right. That right had been incorporated in both the International Covenants on Human Rights. Those who spoke of freedom and democracy should not criticize the Arab States. The right to self-determination had been violated in 1947, when Palestine had been partitioned against the majority will of the Palestinian people.

He did not understand how the United States representative could speak of justice or even-handedness. Former President Truman himself, in his memoirs, had admitted that he had been pressured into agreeing to the partition, against the advice of his own State Department. The United States had no right to address the Commission, or any other United Nations body, as if it was the guardian of peace and equal rights in the Middle East, when its own Government was infiltrated with Zionists. The Soviet Union, on the other hand, had been aware of the true situation in the Middle East and had supported the just demands of the Arab peoples.

The United States representative had invoked article 13 (2) of the Universal Declaration of Human Rights, regarding the right to leave any country and to return. She had quoted it out of context, merely to suit the purposes of the Zionists. She had wished to suggest that the Arab Jews living in Arab countries should go to Israel. However, the Arabs had never discriminated against the Jews on religious grounds. The Arab Jews were quite happy in their own countries and did not wish to go to Israel.

The Zionists spoke of Palestine as the "land of return" and argued that it had been given to them by God. The Mohammedan religion did not contain such an outrageous concept. Furthermore, the Jews who were settling Israel could not speak of the "land of their forefathers", as they themselves had come from Eastern Europe and were not of Semitic descent.

The United States should not speak of justice; its people had practised genocide against the Indians long before the word "genocide" had been coined. They should not speak of civil rights when 25 million Negroes were victims of racial discrimination. The representative of the United States had no right to

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(Mr. Baroody, Saudi Arabia)

invoke the right to freedom of movement when her Government did not allow its citizens to go to Cuba, the People's Republic of China, North Korea or North Viet-Nam. However, the youth of the world was awakening and would not be deceived by words.

The word "justice" had been much maligned. Some States had even wished to have it removed from the slogan of the Twenty-Fifth Anniversary of the United Nations. They had wanted to replace it with the phrase "peace and progress". Without justice there would be no peace but the peace of the grave, and technology alone did not promote justice.

The United States representative had said that her country would work for a settlement in the Middle East. He had warned the Security Council four years ago that there would be no settlement. He had known that nothing would be achieved by transferring the item to the General Assembly in 1967 in order to avoid a confrontation between the United States and the Soviet Union.

There was no place for political Zionism in the Middle East. He spoke without rancour; he merely wished to clarify certain misconceptions. The Jewish people were welcome in the Arab countries, as they had always been, but the Zionists were not. Even if occupied territories were evacuated, the problem would not be solved, for the core of the problem was Palestine and the Palestinians would not rest until they had won their legitimate struggle.

Mr. STILLMAN (United States of America), speaking in exercise of his right of reply, said it was regrettable that the representative of the Soviet Union had engaged in political polemics which did nothing to promote the solution of the complex problem that was before the Commission. He categorically rejected as unwarranted the references to his country made by the Soviet representative.

The meeting rose at 6.15 p.m.