



Chairman: Mr. Abdul Samad GHAUS
(Afghanistan).

AGENDA ITEM 101

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (continued) (A/8089, A/8164, A/SPC/142)

1. The CHAIRMAN said that at its 744th meeting the Committee had decided to grant the request for a hearing contained in document A/SPC/142. If there were no objections he would therefore give the floor to the representative of the Palestine Arab Delegation.

At the Chairman's invitation, Mr. Issa Nakhleh (Palestine Arab Delegation) took a place at the Committee table.

2. Mr. NAKHLEH¹ said that the establishment of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had reflected the international community's concern at news from the occupied areas confirming that the Zionist authorities were committing war crimes and crimes against humanity, against the civilian population in those areas. The International Conference on Human Rights, held at Teheran in 1968, had already expressed its grave concern at the violation of human rights in Arab territories occupied by Israel, had drawn the attention of the so-called Government of Israel to the grave consequences resulting from the disregard of fundamental freedoms and human rights in the occupied territories and had called upon that Government to desist forthwith from acts of destruction and to respect and implement in the occupied territories the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949.²

3. The rules of procedure adopted by the Special Committee qualified it as a quasi-judicial commission of inquiry, whose objective was to ascertain the facts from direct and positive evidence. The qualifications and moral integrity of its members guaranteed the impartiality of the investigation. He wished to pay tribute to them for their dedication to the cause of human rights, for the hardships they had endured during their mission, for the thorough

judicial procedure they had adopted and for the veracity of their findings. They had acted as impartial international judges inquiring into the situation in the occupied territories.

4. The Special Committee had heard many witnesses and interviewed officials of the Governments surrounding the occupied areas; however, it had been unable to interview the invading authorities, which, in defiance of the United Nations, had refused to co-operate with the Special Committee or permit it to enter the occupied areas. It had nevertheless heard Jewish witnesses and received a written memorandum from the Israel League for Human and Civil Rights. It had analysed the evidence received in documentary form and oral testimony, and had come to the conclusion that the Zionist invaders had committed in the occupied territories the crimes and violations of human rights identified in paragraphs 71-134 of its report (A/8089). In his view, the findings of the Special Committee constituted an indictment of the Zionist gang of Tel Aviv for war crimes, genocide and crimes against humanity.

5. Any examination of the findings of the Special Committee should be based on certain principles of international law. Following the Second World War, crimes against peace, war crimes and crimes against humanity had been defined in the Charter of the Nuremberg Tribunal. By resolution 95 (I), the General Assembly had reaffirmed the principles of international law recognized in the Charter and the judgement of the Tribunal. Furthermore, the trials of war criminals in Germany and other European States and in Japan had enriched international law with precedents regarding war crimes and crimes against humanity.

6. World concern about the violation of human rights was fully reflected in the Charter of the United Nations. It was to the credit of the United Nations and its agencies that there existed today what was called the International Bill of Human Rights (General Assembly resolution 217 (III)), contained in the various Declarations and Conventions relating to human rights. Those instruments reaffirmed, in particular, the following principles: that everyone had the right to life, liberty and security of person; that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment; that no one should be subjected to arbitrary arrest, detention or exile; that everyone had the right to leave any country, including his own, and to return to his country; that everyone had the right to own property and that no one should be arbitrarily deprived of his property. They further condemned subjection to alien subjugation, domination and exploitation as contrary to the Charter of the United Nations. In addition, a number of grave breaches of human rights were defined in the 1949 Geneva Conventions.

¹ Mr. Nakhleh took the floor in accordance with the decision taken by the Committee at its 744th meeting to authorize members of the Palestine Arab Delegation to address the Committee, without such authorization implying recognition of that Organization.

² See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV.2), chapter III, resolution I.

7. The facts recorded in paragraphs 71-74 of the report of the Special Committee established beyond any reasonable doubt the guilt of the Zionist authorities of the crime of collective and area punishment. It was to be regretted that in the section of its report dealing with deportation and expulsion—paragraphs 75-77—the Special Committee had not dealt in detail with the mass expulsion of populations from the west bank of Jordan, the Gaza strip and the Sinai Peninsula. The number of persons expelled exceeded 500,000. General Assembly resolutions demanding their return had been defied by the Zionist war criminals. It was equally regrettable that the Special Committee had received no evidence regarding the numerous inhuman methods of coercion and terrorism used by the Zionist armed forces to compel the civilian population to cross the Jordan River and become displaced persons and refugees on the east bank of Jordan. In paragraphs 78-111 of its report, the Special Committee recorded evidence of the inhuman and barbaric methods of torture applied by the Zionist criminals to their victims. Those methods, which dwarfed the Nazi war crimes in Europe, had been used on young Palestinian men and women including some of his own relatives and friends on the east bank of Jordan. They could not fail to offend the sense of decency of every member of the Committee.

8. Paragraphs 112-122 of the report quoted several instances of heinous war crimes and crimes against humanity, and he would not understand why the Special Committee called them "ill treatment of civilians".

9. In paragraphs 123-131, the Special Committee stated that it had heard evidence of the destruction of houses and buildings and of the confiscation and expropriation of property, that those responsible for that destruction were the Israeli authorities, and that the victims were the Arab civilian population of Jerusalem. A memorandum from the Israel League of Human and Civil Rights—which appeared in annex VI of the report—had stated that about 7,554 houses had been blown up in the occupied territories.

10. In paragraph 109 the Special Committee stated that it had received considerable evidence concerning persons in administrative detention. The persons concerned were mostly young Palestinians who were detained, often without being charged, for indefinite periods as hostages or as a measure of reprisal against the civilian population. Such detainees, and the captured freedom-fighters, were constantly subjected to inhuman and barbaric methods of torture. Many were illegally tried and sentenced by sham courts to long prison terms. The Zionists, in defiance of international law, refused to accord the freedom fighters the status of prisoners of war, in accordance with the Geneva Conventions of 1949, or to recognize the existence of a Palestine resistance movement. By adopting that attitude the Zionists were contravening the Geneva Conventions of 1949, the principles of international law enunciated in the Nuremberg Charter, the General Assembly resolutions recognizing the legitimacy of resistance movements and the Declaration adopted by the General Assembly in connexion with the twenty-fifth Anniversary of the United Nations.

11. The Special Committee had confirmed that the Zionist authorities pursued a policy which disrupted the economic

life of the territories and that they showed a distinct lack of respect for the religious susceptibilities of the inhabitants of those territories.

12. The above-mentioned memorandum from the Israel League for Human and Civil Rights was important as evidence supplied not by Arabs but by fair-minded Jews. It confirmed that the man personally responsible for the Israeli policies in the occupied territories was Minister of Defence Moshe Dayan. The members of the Israel League for Human and Civil Rights and the well-known advocate, Mrs. Felicia Langer and her colleagues, who often defended Arab detainees and exposed the war crimes committed against them, were representative of the Jews who had lived with the Arabs as friends and fellow-citizens before Zionism had invaded the region. They were very different from the fanatical, racist, Yiddish-Khazar Zionists like Moshe Dayan. The latter's spokesman at the United Nations was the Israeli Permanent Representative, who was not even a citizen of the Middle East but a Soviet citizen by birth. His father was a Ukrainian Khazar Jew and his mother tongue was Yiddish and perhaps Russian. He had been brought up in Shanghai and educated in the United States, and had changed his name, nationality, national loyalty and country. He was a political mercenary meddling in the affairs of the Palestinians.

13. The judgements of the Nuremberg Tribunal could be applied to Israel: all that was needed was to change the nationalities and countries referred to. The Zionist invaders had committed the crime of genocide against the Palestine people, who had been placed under mandate by the League of Nations in 1919 and should have become a sovereign State like the other Arab and African countries placed under mandate. But world Zionist leaders had conspired to destroy the national existence of the Palestinians and usurp their ancestral homeland. In 1947 they had manoeuvred the United Nations into recommending the partition of Palestine, and in 1948 they had massacred the Palestinians and expelled over one million of the indigenous population. In 1967 they had occupied the rest of Palestine together with territories belonging to neighbouring Arab countries, and had expelled over 500,000 Palestinians. Their acts constituted the crime of genocide, according to the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Under article 6 of that Convention, the Palestinians were entitled to punish all the political and military leaders of the Zionist régime for that crime.

14. In view of the condemnation of the crime of genocide uttered by the United States Deputy Under-Secretary of State in 1950, it was to be hoped that the United States would demonstrate its moral leadership in the Committee by condemning the war crimes, crimes against humanity and crime of genocide committed by the Zionist invaders against the Palestinians and against citizens of other Arab States in the occupied areas. He wished to protest against the high-level treatment being accorded to the arch war criminal, Moshe Dayan, in the United States.

15. The report of the Special Committee would have contained more shocking facts about the crimes committed by the Zionists against the Palestine people had the Committee been able to visit the west bank and the Gaza

strip. Evidence collected in the Gaza strip in 1968 by the Arab Higher Committee of Palestine had been compiled in a diary of crimes which had been submitted to the Secretary-General of the United Nations in July 1968. Thrice in a lifetime, in 1948, in 1956-1957 and since 1967, the martyred people of the Gaza strip had been subjected to Zionist crimes.

16. The Special Committee should be congratulated on the constructive recommendations set out in paragraphs 145-156 of its report, which should be made the basis of a draft resolution to be adopted by the Committee and the General Assembly. In addition to endorsing those recommendations, the Palestine Arab Delegation urged the Committee to condemn the illegal Zionist racist régime in Palestine for war crimes, crimes against humanity and the crime of genocide. That would provide the legal basis for the expulsion of the Zionist régime from the United Nations. Economic, diplomatic and military sanctions should be imposed against that régime, which had endangered international peace and security not only in Palestine and the Middle East but throughout the world.

17. The International Bill of Human Rights, one of the most cherished achievements of the United Nations, proclaimed that the rights of man should be protected by the rule of law and manifested the collective determination of the United Nations that the world should never again witness that destruction of human rights and that barbarism which had engulfed humanity in the Second World War. It was the tragedy of the Jews of the world that while many Jews had suffered with the European nations at the hands of the Nazis, the Zionist Jews had become the first war criminals in the era of the United Nations.

18. If the United Nations failed to uphold its Charter, the International Bill of Human Rights and the Genocide Convention in Palestine, it would show the world that its high-sounding principles were sheer hypocrisy.

19. Mr. BABAA (Libya) said that in all the armed conflicts at present taking place throughout the world, including civil wars, wars of aggression, guerrilla warfare and heroic struggles for self-determination and freedom, innocent civilian victims were the greatest sufferers. It was the duty of the international community to do everything possible to ensure that human rights were fully respected in such conflicts and that international instruments such as the Geneva Conventions were implemented. As the Special Political Committee knew, the Third Committee had recently adopted draft resolutions to ensure increased protection for civilian populations in armed conflict and more effective implementation of the Geneva Conventions.

20. The parties to most of the conflicts at present in progress had recognized their responsibilities for the protection and safety of civilians. The only exception was the Palestinian-Israeli conflict, in which Israel had constantly ignored and even challenged repeated appeals by the international community to refrain from violating the human rights of the inhabitants of the occupied Arab territories.

21. Violations of the Geneva Conventions in the occupied territories had been confirmed by reports of United Nations

fact-finding agencies and of non-governmental organizations such as the International Committee of the Red Cross and Amnesty International, and by the world press. Such reports had produced sufficient evidence of the cruel treatment inflicted on the civilian population by Israeli troops. Israel's repressive policies and practices with respect to the Arab population in the occupied territories flagrantly violated the United Nations Charter, the Universal Declaration of Human Rights, the Geneva Conventions and various United Nations resolutions, all of which reaffirmed the dignity and worth of the human person and called for respect for human rights and fundamental freedoms.

22. The report of the Special Committee (A/8089), which was based on numerous eye-witness accounts and had documented the monstrous acts committed by the Israeli military authorities in the occupied territories, spoke for itself. Another United Nations document, the report of the Special Working Group of Experts of the Commission on Human Rights³, reported on the situation on the basis of testimony collected on the spot.

23. Among the numerous accounts published in the world press, he wished first of all to cite an excellent editorial published in *The Sunday Times* of London on 23 November 1969, which stressed that the situation of civilians in the Gaza strip, like that of civilians in Viet-Nam, must not be overlooked as an irrelevant detail in a grand ideological conflict, but must be honestly confronted in a spirit of inquiry.

24. In April 1970, the International Executive Committee of Amnesty International had made public a report on Israeli prisons in which it deeply regretted "the apparent existence of practices which are abhorrent to the conscience of mankind". Amnesty International was a well-known non-governmental organization in consultative status with the Economic and Social Council; it had a brilliant record of defending the cause of human rights throughout the world, and its impartiality was beyond any doubt. Its report cited the case-history of an Arab civilian from the west bank who had been arrested without charge on the second day of the June 1967 war, kept in solitary confinement for a week, beaten and flogged with a view to extracting information on guerrilla activities, suffering four broken teeth in the process, and subsequently slashed with a knife on the chest and arms and burned on the back and hands with lighted cigarettes. He had finally been released after two months of detention. It should be noted in that connexion that Israel had so far refused to co-operate with Amnesty International.

25. *The Economist* of London on 21 March 1967 had published a report from which he quoted a few paragraphs illustrating the way in which the Israeli authorities used such policies as deportation and detention to replace the Arab inhabitants of Jerusalem and the west bank with Jewish immigrants. The report went on to substantiate allegations of the mistreatment and torture of civilian prisoners under interrogation, noting that by subjecting to the same treatment confessed saboteurs, those condemned for political activity and innocent members of the Arab public who happened to fall under suspicion, the Israeli

³ Documents E/CN.4/1016 and Add.1-5 (mimeographed).

authorities were in fact achieving the one thing they presumably would like to prevent: the consolidation of Arab opinion inside Israel behind the commando movement.

26. A report entitled "Eye-Witness in Gaza" published in *The Sunday Times* of 23 November 1969 described, *inter alia*, the case of a Palestinian woman of 25 who, having been arrested on a number of serious charges, had been kept in solitary confinement, with both wrists and feet handcuffed, while being subjected to threats of punishment. Later, she had been put in the same cell as a group of Jewish prostitutes, mostly from Yemen, who were encouraged by the guards to attack her. While in solitary confinement she had been prevented from using the lavatory, even though she was convalescing from an operation for appendicitis at the time of her arrest. Threats had been made to her that her house would be blown up unless she confessed; eventually she had done so, but the house had been destroyed nevertheless. The official protests made by her lawyer had met with no response.

27. He cited a report by the Foreign Editor of *The Times* of London, published in that newspaper on 28 October 1969, which stated that the hostile reaction of Palestinian Arabs on the west bank and in Jerusalem to Israeli military occupation appeared to be an entirely natural one in view of the mounting evidence that Israel actually intended to annex the area.

28. On 30 October 1969, the same newspaper had published a letter from a Jewish Israeli citizen expressing his sense of relief at the long-overdue appearance of factual reports on Israeli repression on the west bank, and adding that according to reports he was receiving from Israel, the situation in the Gaza Strip was even worse. The same issue also contained a letter from a former official of the United Nations Relief and Works Agency for Palestine Refugees in the Near East who had travelled through the occupied territories during the twelve months following the 1967 war, visiting refugee camps, schools, training centres, villages and towns. His first-hand observations during that period had confirmed the accuracy of published reports. Noting that the harsh pattern of the occupation had been set in the days and weeks immediately following the hostilities, he stated that at a time when magnanimity in victory might have changed the whole political climate in the Middle East, that option had been effectively removed from Israel's grasp by the actions of military commanders who, faced with the daunting and dehumanizing task of preserving security in occupied territory, set their Government down the easy descent to cruel repression. The writer had gone on to describe the wholesale destruction of dwellings carried out in reprisal for hostile acts, adding that according to report, homes were sometimes destroyed while the residents were still in their beds, killing large numbers of men, women and children.

29. So far, Israel had not introduced any evidence in rebuttal of the allegations contained in those reports. The international community's grave concern at the repressive measures taken by the Israeli military authorities in the occupied territories had been reflected in the adoption of numerous resolutions by the International Conference on Human Rights at Teheran, the Security Council, the

General Assembly, the Commission on Human Rights, the Economic and Social Council and other bodies, which had condemned Israel for violations of human rights and had called upon the Israeli authorities to observe the Geneva Conventions, to which Israel was a signatory. Israel, however, had refused to co-operate and had declared that its occupation régime could not tolerate any impartial investigation.

30. Any military occupation was bound to become brutal, and any occupation authorities were bound to dehumanize the inhabitants of occupied areas, but the Israeli Government had gone so far as to praise occupation and argue for its continuation. At the same time, the international Zionist movement had attempted to silence any criticism of Israeli practices in the occupied territories, using religion as a mask to hide its expansionist intentions. At the same time, it had tried to use technological superiority as an argument in favour of colonization and continued occupation. To the Israeli authorities, any press report describing Israeli maltreatment of Arab civilians in occupied territories was biased, any criticism was anti-Israeli and even anti-Semitic, any impartial investigation was partial, and, as the representative of Israel in the Third Committee (1782nd meeting) had made clear a few days before, any United Nations action providing for the protection of the civilian population in the occupied territories was "uncivilized" because only "uncivilized nations" supported it.

31. His delegation believed that Israel's repressive policies and practices in the occupied Arab territories and its flagrant violations of the Geneva Conventions were intended to frighten the Palestinians and drive them into the desert and to de-Arabize the whole area under Israeli control, to secure new lands and towns for new Jewish immigrants, to suppress the national liberation struggle which the Palestinians were waging in order to regain their rights and return to their homes, to dehumanize the inhabitants of the occupied territories, who were determined to stay despite the terror to which they were subjected, and finally to realize the racist objective of the Zionist leaders, namely, to make Palestine as Jewish as England was English.

32. The United Nations had attempted to ensure the protection of the civilian population in the occupied territories and to enforce the implementation of the Geneva Conventions through the use of impartial fact-finding bodies like the Special Working Group of Experts of the Commission on Human Rights and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. However, Israel still refused to honour its commitments under the Geneva Conventions. The time had come for the international community to act by imposing sanctions against Israel as punishment for its continued defiance of world public opinion and its refusal to implement United Nations resolutions. The imposition of such sanctions could deter other countries from violating the Geneva Conventions.

33. His delegation shared the view of the Special Committee that the human rights and fundamental freedoms of the Palestinian people living under Israeli military occupation were and should be the concern of the entire membership of the United Nations. The tragic situation

which prevailed in the occupied territories could be resolved by the withdrawal of Israeli troops from those territories and the restoration of the rights of the Palestinians in accordance with the resolutions of the United Nations.

34. His delegation fully supported the conclusions and recommendations set out in the report of the Special Committee and believed that the Special Committee should continue to perform its humanitarian task. He wished in conclusion, on behalf of his delegation and his Government, to express his gratitude to the members of the Special Committee for discharging their mandate with objectivity and impartiality.

35. Mr. AHMED (India) said that the statement made by the representative of the Palestine Arab Delegation was of

great importance and proposed that it should be circulated verbatim.

36. Mr. SASRADIPURA (Indonesia) supported the Indian representative's proposal.

37. The CHAIRMAN said that if there were no objections, he would request the Secretary of the Committee to arrange for the statement made by Mr. Nakhleh at the current meeting to be circulated *in extenso*, in accordance with the established procedure.

*It was so decided*⁴.

The meeting rose at 1.05 p.m.

⁴ Subsequently circulated as document A/SPC/PV.746.