



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. Mr. ZADOR (Hungary) said that the item under consideration was within the competence of the Third Committee. However, he wished to pay a tribute to the dedication of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to the efforts which the Committee had made to carry out its work which had been made immeasurably more difficult by the hostile attitude of Israel. Obviously, if the Israeli authorities had refused to co-operate with the Special Committee, they had done so because their record in the occupied territories was far from unblemished.
2. The report of the Special Committee (A/8089) was a far cry from the fairy tales told by the Israeli representative in 1968 in the Security Council about the benefits of occupation. The fact was that from the outset the presence of the invaders had been resented by the population of the occupied territories, which was only natural, for there had never been military occupation without resistance.
3. The report of the Special Committee contained copious descriptions of the methods used by Israel to continue the occupation and progressive annexation of the occupied territories. Those methods were no different from those used by other invaders and the destruction of homes and villages, the collective punishments, the deportation of leading citizens, the removal of the population and the ill-treatment of political prisoners were only some of the measures mentioned in the report.
4. The findings of the Special Committee, as summarized by the Chairman in introducing the report (744th meeting), were based on a detailed analysis of facts. If the third and fourth Geneva Conventions of 1949 had been violated the United Nations should pay special attention to that grave situation. That point worried the Israeli Government and was the reason why it had endeavoured to discredit the report and its authors. The consistent attitude with regard to human rights taken by the three Member States represented in the Special Committee was, to Israel, a further reason for rejecting their findings. It would undoubtedly have preferred the report to be drafted by those Member States which supported it and which had also sided with South Africa. It was the duty of Member States to ensure that the human rights of the inhabitants of the occupied territories were respected. Israel could escape the attention to which its unlawful acts were being subjected; all it had to do was to withdraw from the occupied territories. If it remained there, its actions would continue to be watched by the world community.
5. His delegation endorsed the findings and recommendations of the Special Committee, which were corroborated by numerous reports published in the press or disseminated by impartial international bodies. His delegation would support any draft resolutions that were based on those conclusions.
6. Mr. BACH BAOUAB (Tunisia) said that the current debate had been forced on the Committee by the outrages committed by a warlike and despotic State which deliberately violated the Charter of the United Nations and human rights. The report of the Special Committee read like a nightmare, for the evil practices which had been current during the Second World War were being systematically repeated and even surpassed. It might well be asked whether it was the policy of Zionism, after creating a State by denying the Palestinian people the right to exist, to subject it to the same oppression as had been suffered by the Jews in Europe, and yet Israel had acceded to the third and fourth Geneva Conventions of 1949. The first test had been enough to show how Israel respected its commitments.
7. Israel which, by the methods of its creation in Palestine, was a colonialist State had been impelled, by colonialist logic, first to pursue an expansionist and aggressive policy on the pretext that it must have more secure borders, then to resort to a policy of oppression against the population of the occupied territories, and finally to impede the Special Committee's investigation. The people of Palestine could do no other than express their resentment of the occupying State. In order to maintain its domination, Israel blew up houses, deported agitators and ordered any suspect gathering to be fired on. That was the dangerous pattern of colonization by force and the reason why Israel refused to authorize the Special Committee to conduct an investigation in the occupied territories.
8. Israel, which seemed unsure of itself, preferred to make accusation before being itself accused and to dispute the impartiality of the Special Committee and the legitimacy of its terms of reference, as it did in document A/8164. The Special Committee's terms of reference had been laid down in General Assembly resolutions 2443 (XXIII) and 2546 (XXIV). Fearing the consequences of the report of

the Special Committee, Israel sought refuge in quibbling in order to reject its findings. In defiance of international law and the Geneva Conventions, it was determined to disregard United Nations resolutions and resolved to persecute a whole people after occupying its territory.

9. He paid a tribute to the integrity and honesty of the Special Committee, which had first approached some Israeli sources that could hardly be suspected of bias. In fact, it was the memorandum submitted by the Israel League for Human and Civil Rights, reproduced in annex VI of the report of the Special Committee, that contained the most precise information on the violations of the rights of the Palestinian people committed by the Israeli authorities. Collective punishments, the blowing up of houses, the taking of hostages, the expulsion of leading citizens, the complete denial of freedom of expression or organization, and the harassment and torture of civilian and military prisoners were established facts which would be difficult to challenge. Those misdeeds were the outcome of the neo-colonialist doctrine of zionism, which was based on religious fanaticism and racial domination. The international community should put an end to such methods of repression and to the policy of occupation and armed expansion practiced by zionism. It was inadmissible that a whole people should be treated as outcasts in their own country. In the opinion of his delegation, that situation jeopardized the confidence placed in the United Nations and its principles, and he pointed out that it was because it had been unable to halt the Nazis in their evil course that the League of Nations had foundered.

10. His delegation considered that the Special Committee's terms of reference should be renewed to ensure that all possible light was shed on the despicable behaviour of the Israeli authorities in the occupied territories.

11. Mr. AHMED (India) said that the investigation of Israeli practices affecting the human rights of the population of the occupied territories, the problem of the refugees and of their return to their homes, and the question of the Israeli withdrawal from the occupied territories were so closely interrelated that it was impossible to consider them separately.

12. His delegation was deeply disturbed by the numerous allegations of Israeli malpractices in the occupied Arab territories. That was an essentially humanitarian question.

13. The Government of Israel maintained that the Special Committee was not in a position to evaluate any evidence, to expose fabrications or to punish perjury. The Committee could not, of course, punish those who committed perjury, but his delegation denied the other accusations made against the Special Committee. Since Israel had denied it access to the occupied territories, the Special Committee had had to content itself with indirect evidence. In the circumstances, the Government of Israel, which had refused to co-operate in the investigation was not really in a position to criticize the Special Committee's methods or to assert that it was executing a liberal policy in the occupied territories. The occupation of a foreign territory was, by its very nature, contradictory to any liberal policy.

14. There was only one solution to the problem: the withdrawal of Israel from the occupied territories. Pending

withdrawal, the Special Committee should pursue its investigation into the status of human rights in those territories. His delegation expected the Government of Israel to apply the principles of the pertinent Geneva Convention.

15. Mr. TOMEH (Syria) remarked that the deliberations of the General Assembly this year had coincided with the commemoration of the twenty-fifth anniversary of the United Nations, an occasion for recalling the passing of time and for weighing the good against the evil which co-existed at a given moment. Man's heart and mind swung like a pendulum between those two extremes, represented in the present instance by the ideals of the Charter and the ugly realities of life. That phenomenon had been strikingly depicted by Charles Dickens in the opening pages of *A Tale of Two Cities*. There were two explanations why mankind was still far from fulfilling the hopes cherished by the founders of the Organization. The first was that man was blindly and irretrievably committed to the law of the jungle; but the nobility of the Charter, which was man's handiwork, imposed the obligation to renounce such pessimism. The other explanation was that, owing to the legalistic and cynical intricacies of diplomacy, representatives had shut themselves off from the world of those they claimed to represent.

16. The Special Committee had its origins in resolution I¹ of the International Conference on Human Rights, held at Teheran in 1968. In that resolution, which was entitled "Respect for and implementation of human rights in occupied territories", the Conference had requested the General Assembly to "appoint a special committee to investigate violations of human rights in the territories occupied by Israel and to report thereon". The Special Committee had been established by the General Assembly, and its report (A/8089) was now before the Special Political Committee.

17. Israel's refusal to co-operate and to join in the deliberations on the item under consideration should not hinder the Committee from proceeding with its work as normal. Obstructive tactics were not new on the part of Israel, which used the United Nations when to do so was in its interests, but otherwise ignored it and might change its position on any given question. As was evidenced by a letter dated 25 July 1967 from the Permanent Representative of Syria to the United Nations addressed to the Secretary-General,² the Government of Israel had virtually denounced at that time the General Armistice Agreements; yet, in August 1967, Mr. Eban had stated that the Agreements did not have a time-limit and could be amended only by an agreement between the parties. Further evidence of the negative attitude of Israel, concerning in that instance the Mixed Armistice Commission, could be found in document S/7572,³ entitled: "Report by the Secretary-General on the Present Inability of the

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV 2), chap. III.

² See *Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967*, document S/8094.

³ *Ibid.*, *Twenty-first Year, Supplement for October, November and December 1966*.

Israel-Syrian Mixed Armistice Commission to Function and the Attitudes of the Parties Thereto”.

18. In 1948, the Organization had appointed a United Nations Mediator in Palestine, Count Folke Bernadotte, who, because his conclusions did not find favour with Israel, had died tragically as the result of a cowardly act. The Government of Israel had subsequently been requested to submit to the Security Council or to the Acting Mediator a progress report on the investigation into the assassination of Count Bernadotte. In resolution 59 (1948), the Security Council, after noting with concern that the Provisional Government of Israel had not submitted the report in question, had requested that Government to submit to the Security Council at an early date an account of the progress made in the investigation and to indicate therein the measures taken with regard to negligence on the part of officials or other factors affecting the crime. The report still had not been submitted and it recently had been learnt that Count Bernadotte's assassin, after spending one or two years in Europe, had returned to Israel.

19. When the question had arisen, after the Security Council had adopted resolution 237 (1967), of appointing a Special Representative of the Secretary-General concerning humanitarian questions in the Middle East area, Israel had adopted the same obstructive attitude, insisting, as it had done vis-à-vis the Special Committee, that the investigation should also cover the Jewish minorities in the Arab countries. The Secretary-General had thus been induced to ask for a legal opinion, a brief analysis of which was in paragraph 10 of his note, which was distributed as document A/7149.⁴ That analysis stated that under a strictly legal interpretation of Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V) it was clear that they did not apply to minorities in the territories of even those States most directly concerned. Paragraph 1 of Security Council resolution 237 (1967), however, applied without question to the area occupied by Israel since June 1967, but would not apply to Arabs in, for example, Nazareth or Haifa, and of course could not apply to Jewish persons in Arab States since the paragraph was addressed solely to Israel.

20. He himself considered that he had now refuted the argument of reciprocity advanced by Israel. With regard to the proper interpretation of its mandate, which was set out in resolution 2443 (XXIII), the Special Committee had had to determine which were the territories that should be considered as “occupied territories”; who was covered by the term “population” of the occupied territories; what were the “human rights” of that population; and what were the “policies” and “practices” referred to in resolutions 2443 (XXIII) and 2546 (XXIV). He believed that the report of the Special Committee answered all those questions and that the Committee had fully accomplished its mandate.

21. How could anyone—least of all Israel—question the integrity and accuracy of the Special Committee? In paragraph 110 of its report, the Special Committee did not

contest “the right of the occupying Power, as provided for in the fourth Geneva Convention, to safeguard its security and, if necessary, to restrict the freedom of certain individuals who pose a threat to its security”. Nor was the impartiality of the Committee being called into question because “the evidence before it shows that this power is being abused in that it is exercised far too freely and that administrative detainees and ordinary prisoners are treated alike”. The Special Committee considered that ordinary prisoners are, in theory at least, in a better position than administrative detainees, since they have the right to trial and would therefore be informed of the charges against them and benefit from whatever protection legal procedure might afford.

22. What, however, was one to think of Israel's application of legislation promulgated by the British authorities? When Israel called the 1948 war a war of liberation, did that mean liberation of the country from the Arabs?

23. Despite Israel's efforts to hamper the Special Committee's work, that Committee had nevertheless succeeded in gathering sufficient evidence to corroborate the existence of systematic violations of human rights in the occupied territories. He did not wish to discuss those violations in detail, but he stressed the inherent significance of the report in the context of the fourth Geneva Convention of 1949, since that was a historical development in international law as applied to human rights. As was stated in paragraph 42 of the Special Committee's report, “since the adoption of that Convention the irony of history had made the June 1967 war between Israel and its neighbouring Arab countries, and the aftermath of that war, the first occasion on which the value of the Convention itself and the genuineness of individual nations' adherence to it could be put to the test. The representative of the International Committee of the Red Cross had drawn the Special Committee's attention to that aspect of the matter when he had spoken before the Committee.”

24. He found it perfectly proper, since part of his country was occupied by Israel, to go on pleading for the restoration of its usurped rights and for a return to legality. Yet one could read nearly every day in the press, indeed in *The New York Times* of the previous day, that the Golan heights were not negotiable. As long ago as 1967, after the occupation of the Golan heights, he had sent letters to the Secretary-General⁵ and to the President of the Security Council⁶ concerning the violations of human rights carried out in those territories and the tortures and mass expulsions of the population. The occupation forces fired on fleeing civilians, starved the population by setting fire to the wheatfields, captured innocent persons and sometimes engaged in random general firing. Those acts of intimidation were in fact a systematic campaign to drive the population from the occupied territories. Of 120,000 Syrians who had been in those territories prior to 1967 only 8,000 now remained. That mass expulsion was confirmed by the fact, noted during the examination of the agenda item on the report of the Commissioner-General of

⁴ Text identical with that of document S/8699; see *Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968*.

⁵ See *Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967*, document S/8077.

⁶ *Ibid.*, document S/8035.

the United Nations Relief and Works Agency for Palestine Refugees in the Near East, that Syria since 1967 had been looking after 100,000 Arab refugees.

25. Even worse, Israel had set about establishing settlements in the occupied territories. In a letter dated 1 October 1969 (A/7689),⁷ the representative of Syria had listed seventeen Syrian villages which had been burned or destroyed in the Golan heights area. Israel had never disputed those facts. Moreover, twelve Israeli settlements had been established on the ruins of those villages. Those settlements were being financed by the Jewish Agency which was, as it were, part of the Government of Israel, a Government based partly in Israel and partly in New York. It was intolerable that twenty-five years after the foundation of the United Nations and ten years after the adoption of the Declaration on the granting of Independence to Colonial Countries and Peoples, the Jewish Agency should still be contributing funds to Israel for colonizing the occupied territories.

26. Perhaps some people still doubted the conclusions of the Special Committee. He referred, however, to No. 113 of the International Review of the Red Cross published in August 1970, in which it was stated that the Moslem population of occupied Syrian territory had been estimated at 110,000 before the fighting. Immediately after the fighting the population was 8,000, of whom 1,000 were living at Kuneitra. On 31 May 1970 there were only 11 Arabs left at Kuneitra. Moreover, the International Committee of the Red Cross stated that the delegation it had sent to Israel had endeavoured on several occasions to put an end to the various pressures being exerted on the persons still living in that area in order to drive them out and persuade them to go and live in the unoccupied part of his country.

27. In No. 114 of the above-mentioned Review published in September 1970, the International Committee of the Red Cross stated.

“On 24 and 25 October 1969, at Halhoul (Jordan West Bank), and again on 30 October 1969 at Gaza, armed forces of the occupying Power destroyed a number of houses, in conformity with the punishment of neighbours’ policy.

“On 30 October, the head of the ICRC delegation made representations to the Minister of Foreign Affairs, and stressed not only the extent of the destruction but particularly the fact that, in the opinion of the ICRC, these measures constituted collective reprisals, and were contrary to article 33 of the fourth Geneva Convention.”

28. The International Committee of the Red Cross also reported that three hospitals which had been converted into police stations in defiance of article 18 of the fourth Geneva Convention had not been reconverted despite the representations of the Red Cross, and that UNRWA dispensaries had been looted, the guilty parties remaining undiscovered.

29. With regard to the condition imposed by Israel for its agreement to the Special Committee’s investigation, namely that there should also be an investigation into the fate of the Jews in Arab countries, the International Committee of the Red Cross stated that it had been in more or less permanent contact with the three largest Jewish communities in Damascus, Aleppo and Kamishlich, each of which consisted of Syrian nationals. Finally, the Committee would find evidence to corroborate the Special Committee’s report that Israel was destroying Arab towns, villages, camps and houses in the territories it occupied, in an article entitled “Israel guilty of Geneva breach, says Red Cross” which had appeared on 11 October 1970 in *The Sunday Times* of London, and which was published in document S/9963.⁸ As the article in question stressed, the fact that in the case in point the International Committee of the Red Cross had released a highly controversial report suggested that it would at the moment it could not advance any further in its negotiations with the Israeli Government.

30. With regard to the treatment of Arab prisoners, he drew attention to the letter he had sent to the Secretary-General on 23 January 1970,⁹ which described the tortures inflicted on Syrian prisoners in Israeli military prisons. He listed several types of ill-treatment reported from those prisons and emphasized that on the other hand, according to a statement by the Israel Minister of Defence, General Dayan himself, reported by the *Jewish Telegraphic Agency* in its *Daily News Bulletin* of 1 December 1970, Israeli prisoners of war in the Arab countries were generally in good health and their families heard from them regularly through the International Red Cross.

31. He regretted the absence of the representative of the United States, since that country, as one of the two super-Powers, was responsible under the Charter for the maintenance of international peace and security. The United States seemed, however, to be adopting the same attitude as Israel in declining to attend the debates of the Committee. The members of the Committee would remember that every evening they heard reports of the proceedings against United States officers for war crimes committed at Song My and My Lai. Did Israel then consider itself above the law? There was no doubt that Israel would have to account for the crimes it had committed against the Arab populations.

32. But instead of being tried in court, the person responsible for those crimes of mass deportation and collective punishment was about to be welcomed in the United States as a hero and would receive a reward of \$1,500 million, in addition to the aid he had already received. That was how criminals were treated in the United States. It would be remembered that in 1948 the person responsible for the El Yassin massacre, Menachem Begin, had received such a triumphal welcome that several clergymen, including a number of rabbis, had written a letter to *The New York Times* in protest.

⁷ Text identical with that of document S/9459; see *Official Records of the Security Council, Twenty-fourth Year, Supplement for October, November and December 1969*.

⁸ See *Official Records of the Security Council, Twenty-fifth Year, Supplement for October, November and December 1970*.

⁹ *Ibid.*, *Supplement for January, February and March 1970*, document S/9614.

33. Israel and its ally the United States should render an account of their implementation of articles 3, 17, 27, 31 and 32 of the third Geneva Convention which prohibited the ill-treatment and torture of prisoners of war, their implementation of articles 32 and 33 of the fourth Geneva Convention, which prohibited the ill-treatment and extermination of civilians and the imposition of collective penalties, their implementation of article 49, which prohibited individual or mass forcible transfers and deportations, their implementation of articles 18, 20, 21 and 56, which enjoined respect for and the protection of hospitals, and their implementation of articles 53 and 54, which prohibited the destruction of property and any alteration in the status of public officials or judges in an occupied territory.

34. How could the United States reconcile its vote in favour of Security Council resolution 237 (1967) and General Assembly resolutions 2252 (ES-V) and 2452 (XXIII), which called on Israel to comply with the Geneva Conventions and to respect human rights, with the fact that it was rewarding Israel for its crimes against the Arabs and against mankind?

35. The fact that Israel had committed those crimes was not a figment of the imagination of an Arab speaker. In its resolution 10 (XXVI),¹⁰ entitled "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", the Commission on Human Rights—recalling its resolution 5 B (XXVI), in which it had considered that breaches of the Geneva Conventions of 12 August 1949 constituted war crimes and were an affront to humanity in addition to being crimes—had condemned, in paragraph 3, Israel's refusal to apply the fourth Convention and its violations of the provisions of that Convention in particular the following violations: the total or partial destruction of villages and cities in the occupied territories; the establishment of Israeli settlements in the militarily occupied Arab territories; the unlawful deportation and expulsion of civilian population; the coercive acts to compel the civilian population under its military occupation to collaborate with the occupying Power against their will; the abrogation of the national laws in occupied territories contrary to the Geneva Convention and the relevant resolutions of the Security Council and the General Assembly; and all policies and measures of collective punishment.

36. As he had already said, the Special Committee's report would be a historic development in international law as applied to human rights. It was his understanding, that the Third Committee had referred to it in inviting the Secretary-General to co-operate with the International Committee of the Red Cross, in the preparation of an international conference, to be held by the Red Cross in the summer of 1971, and which will consider the application of the Geneva Conventions. He supported the idea of that conference.

37. The members of the Special Political Committee were not judges, but they should nevertheless bear witness to

those crimes against mankind. As Dostoyevsky had said, no innocent person, still less innocent civilians, should suffer in place of another. Could the ultimate goal of making men happy and bringing them peace and satisfaction be achieved by building the future of mankind on the sufferings of a single being? In conclusion, he quoted Dostoyevsky, who had said that a beast can never be so cruel, so ingeniously and artistically cruel, as man.

38. Mr SASRADIPURA (Indonesia) expressed his appreciation to the Special Committee for the report which it had prepared in unfavourable circumstances, a report which warranted, and even dictated, further investigation.

39. In view of the attacks made against the Special Committee's report, his delegation deemed it necessary to state that it was completely satisfied with the procedure and methods adopted by the Committee. It believed that the Special Committee had discharged its mandate with objectivity and efficiency. The evidence provided by the International Red Cross, Amnesty International and UNRWA testified to the objectivity of the members of the Special Committee. Furthermore, the report corroborated evidence published in *The Times* of London. As it believed that any objective investigation made it possible to draw closer to the truth and that a clear picture of the actual situation could only help in the struggle to assert the human and political rights of the Palestinians, his delegation endorsed the Committee's conclusion that there were sufficient grounds for continuing the investigation.

40. The aim of the Special Committee's recommendations was to ensure the observance of the third and fourth Geneva Conventions in the territories now occupied by Israel. In that regard, his delegation supported the formula that each interested party should nominate a neutral representative. It also agreed with the Special Committee's statement in paragraph 146 of its report, that "the ideal manner in which violations of human rights could cease would clearly be by the termination of the occupation itself". That position simply restated the basic principle of the inadmissibility of any acquisition of territory by force, a principle proclaimed by all organs of the United Nations, in particular by the Security Council in its resolution 242 (1967), and reaffirmed at the Third Conference of Heads of State or Government of Non-Aligned Countries held at Lusaka, in its resolution on the Middle East.

41. Mr. TARCICI (Yemen) pointed out that paragraphs 72 and 73 of the Special Committee's report contained a considerable amount of evidence which showed that a policy of collective and area punishment was being imposed indiscriminately on the civilian inhabitants in the occupied territories and that such punishment took the form of destruction of houses, curfews and mass arrests. He also drew attention to paragraph 79, which dealt with the case of Mr. Kamal, who had been blinded as a result of torture inflicted by the Israelis. A reading of the Special Committee's report was more than sufficient to demonstrate the extent of the crimes committed by the Zionists in the occupied territories. His delegation hoped therefore that the Committee would endorse the Special Committee's recommendations and that the Committee would continue to discharge, with patience and perseverance, its difficult

¹⁰ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5, chap. XXIII.*

mission, which could end only with the termination of the occupation. His delegation also hoped that the United Nations would in the near future establish a tribunal which, like the Nuremberg Tribunal, would try the Zionist criminals, on the basis of existing or future reports of the Special Committee and the reports of such organizations as the International Red Cross and Amnesty International. Since, however, the establishment of such a tribunal would not put an end to the crimes of the Zionists, consideration must be given to finding means for doing so.

42. Mr. GIMER (United States of America), speaking in exercise of the right of reply, regretted that his brief absence from the Committee had prevented him from hearing all the Syrian representative's comments concerning his country; he would therefore wait until he had read the summary record of the current meeting before replying in detail. However, he wished to say at once that to hold the

United States responsible in any way for the facts related in the Special Committee's report was absolutely grotesque.

43. Mr. TOMEH (Syria), speaking in exercise of the right of reply, said that inasmuch as Israel, the perpetrator of the crimes enumerated in the Special Committee's report, was being given rewards by the United States Government, the case was one of collusion, and that consequently, even if the United States did not encourage Israel to commit those crimes, it was encouraging it to continue the occupation, which was in itself a crime.

44. The CHAIRMAN reminded delegations which intended to sponsor draft resolutions that they should be submitted as soon as possible, so that the Committee could take them up at its following meeting.

The meeting rose at 5.15 p.m.