



Tuesday, 14 December 1971,
at 3.30 p.m.

NEW YORK

Chairman: Mr. Cornelius C. CREMIN (Ireland).

AGENDA ITEM 40

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (*continued*) (A/8389 and Corr.1 and 2 and Add.1, A/8472, A/8478; A/SPC/149)

1. The CHAIRMAN suggested that the Committee request a verbatim record of its 799th meeting.

*It was so decided.*¹

2. Mr. AZZOUNI (Jordan) said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8389 and Corr.1 and 2 and Add.1) constituted a factual and objective disclosure of Israeli practices in the territories occupied as a result of Israel's aggression in 1967 against three States Members of the United Nations. The members of the Special Committee deserved the highest praise for carrying out a difficult assignment, which had been made even more difficult by Israel's adamant and unlawful refusal to permit it to carry out its duties. Although Israel had tried to cover up its inhuman treatment of the peoples of the occupied territories, massive evidence of inhuman treatment, persecution and physical torture was already available. Israel's acts in the occupied territories ranged from the outright expulsion of the civilian population to deliberate intimidation, oppression, economic strangulation and the demolition of houses, buildings and even entire villages.

3. It had become clear that the occupying Power was carrying out a policy of terror and colonization which followed a systematic pattern of armed aggression, occupation, the destruction of Arab villages and Arab quarters in the cities, the confiscation of Arab property for use in the establishment of Israeli and Jewish settlements, and Zionist immigration and colonization. As a result of that policy, the number of people expelled had more than doubled since the adoption by the United Nations of its humanitarian resolutions. Instead of ensuring the safety and security of the inhabitants of the occupied areas and facilitating the return of inhabitants who had fled, the Israeli occupying authorities had systematically expelled more inhabitants and put one obstacle after another in the way of the tens of thousands who wished to return.

4. While continuing to defy the United Nations resolutions and in pursuing their systematic policy of expelling Arab

inhabitants and colonizing the occupied Arab territories, Israel resorted to all kinds of manoeuvres and arbitrary demands in an attempt to obstruct the humanitarian missions of the United Nations. It had also become public knowledge that Israel was currently considering organizing municipal elections in the cities and villages of the occupied West Bank of Jordan; that was another flagrant violation of the Geneva Conventions of 12 August 1949 and showed that Israel intended to transform the military occupation into a permanent condition.

5. Israel's policy of intimidation, colonization, arbitrary arrest, administrative detention, torture and imprisonment had been clearly reflected in the reports of the Special Committee. The policy of settling and annexing certain territories which were currently under Israeli occupation was continuing. That applied especially to certain parts of the West Bank and the Golan Heights, while eastern Jerusalem provided a clear example of the policy of annexation. Those and other acts were grave violations of the human rights of the population of the occupied territories. The deportation of the indigenous population, the transfer of the population of the occupied territories to other areas and the settlement of alien elements on confiscated lands or the lands of absentees, in order to change the composition of Arab cities and towns, continued to be the policy of the Israeli Government in the occupied territories. That policy had no other purpose than to perpetuate the Israeli occupation at the expense of over half a million expelled Arabs, whose numbers were increasing every day.

6. In its resolution 2546 (XXIV), the General Assembly had reaffirmed its resolutions relating to the violations of human rights in the territories occupied by Israel and expressed its grave concern at the continuing reports of violations of human rights in those territories. It had also urgently called upon the Government of Israel to desist forthwith from such practices and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949² the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations. That resolution, like many others adopted by the United Nations, had been challenged by Israel, whose lack of respect for the United Nations, its humanitarian missions and its resolutions was well known.

7. Mr. SHLEPAKOV (Ukrainian Soviet Socialist Republic) said that for over four years the international community had been faced with Israel's usurpation of foreign lands. The very fact of such a lengthy occupation was a flagrant violation of national and human rights. The Committee had

¹ The verbatim record was subsequently circulated as document A/SPC/PV.799.

² United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

more than enough evidence to see that Israel was carrying out a single-minded, systematic and calculated policy of creating unbearable conditions for the indigenous population of the occupied lands, expelling them from their homelands, physically annihilating them in a number of cases and turning the occupied territories into a “natural extension” of the territory of Israel.

8. The Israeli authorities had stopped at nothing to assimilate the Arab territories. They were exploiting oil deposits, had undertaken the construction of a pipeline from Eilat to Ashkelon and had built an industrial centre at Gaza. At best the Arab population had been assigned the role of cheap labour of the colonial type, whose wages were only one quarter of those of the Israeli workers. Every step taken by the Israeli authorities was designed to make everyone, and especially the Arabs, aware that Israel had come for good. The fate of the Arab population was seriously threatened. The report of the Special Committee showed that more than 300 Arab villages and over 5,000 houses had been destroyed. The situation of the Arabs was such that many of them, especially the young, were forced to emigrate to European countries, while more and more Israeli settlements were appearing in the occupied territories.

9. Israel's policy of occupation was thus clearly designed to deprive the Arabs of their homeland and means of existence and to expel them forcefully from lands they had occupied for centuries. If that process continued, Israeli would soon outnumber Arabs in the occupied Arab territories and the Arabs would eventually disappear. The full force of repressive measures, arbitrary rule and lawlessness was brought to bear on the Arab population. The Special Committee was studying those practices, objectively and dispassionately, as it was empowered to do under General Assembly resolution 2443 (XXIII). At the twenty-fifth session the Special Committee, in its first report,³ had already submitted a wealth of incontestable evidence of violations of human rights. The current report (A/8389 and Corr.1 and 2 and Add.1) showed that if there had been any changes during the intervening year, they had been changes for the worse. New concentration camps had been set up, detentions, arrests, reprisals without trial or investigation, sentencing without proper legal defence, beatings and refined forms of torture were being carried out on an even greater scale. The picture presented in the current report recalled the gloomy days of the Second World War and the cruelty of the Fascist occupation forces towards the people whose lands they had controlled. The people of the Ukraine remembered those days and the methods the occupiers had used to gain *Lebensraum* and had every reason to associate themselves with the just indignation expressed by many delegations over the shameless illegal and arbitrary acts of the Israeli authorities.

10. One of the arguments the representatives of Israel had used to try to discredit the difficult and responsible work done by the Special Committee and to cast doubt on the credibility of the evidence it had submitted was that the Special Committee had not carried out its investigations in the occupied territories themselves. However, it was not

necessary to go to the occupied territories to see the stream of persons expelled from their homes or the evidence of torture on the bodies of the victims of Israeli persecution. Furthermore, Israel itself had given rise to that argument by stubbornly refusing to co-operate with the Special Committee and not allowing its representatives to visit the usurped lands. The representatives of Israel had assured the Special Committee that “new relations” were being forged with the Arab population but they had quite understandably denied the Committee an opportunity to see for itself.

11. The many instances of violations of human rights in the occupied lands that had been documented by the Special Committee had led to consideration of the question at the twenty-fifth session of the General Assembly and the adoption of its resolution 2727 (XXV). It should be noted that, as the report of the Special Committee convincingly showed, neither the appeals contained in that resolution, nor the provisions of the Universal Declaration of Human Rights, nor the recommendations of the Special Committee in its first report had been taken into account by Israel. The current report contained well-founded recommendations affirming the urgent need to take measures to prevent further violations of the rights of the population of the occupied territories. The Committee should adopt a resolution on the report, not only expressing its deep concern at the fate of the many hundreds of thousands of people who were suffering under the occupation but also describing in appropriate terms the actions of Israel, which was systematically disregarding the decisions of authoritative international organizations. In that regard, the Special Committee had reached the very important conclusion that the fundamental violation of human rights lay in the very fact of occupation and that the most effective way of safeguarding the human rights of the population of the occupied territories was to end the occupation (see A/8389 and Corr.1 and 2, para. 83). His delegation fully agreed with that conclusion.

At the invitation of the Chairman, Mr. Nakhleh (Palestine Arab delegation) took a seat at the Committee table.

12. Mr. NAKHLEH⁴ said that the Special Committee had expended a great deal of time and effort in carrying out its humanitarian obligations. It had not been permitted to visit the occupied territories because the Zionist invaders had been afraid that it might contact the victims of the horrible war crimes, crimes against humanity and the crime of genocide committed by the Zionist invaders against the civilian population of the area. The illegal Zionist régime had not been satisfied with its defiance of the will of the international community in refusing to allow the Special Committee to discharge its obligations in the occupied Arab areas but had continuously abused it through its vociferous representative in the United Nations. The vote of confidence which he was sure would be given to the Special Committee by the United Nations would be a testimony to its great humanitarian work and a worthy tribute to the high moral integrity, dedication to truth and sense of justice of its members, and at the same time the most appropriate rebuke to the Zionists.

⁴ Mr. Nakhleh took the floor in accordance with the decision taken by the Committee at its 798th meeting to authorize the Palestine Arab delegation to address the Committee, without such authorization implying recognition of that delegation.

³ *Official Records of the General Assembly, Twenty-fifth Session, agenda item 101, document A/8089.*

13. The current report of the Special Committee should be regarded as a supplement to its first report. The two reports constituted a grave indictment against the Zionist political and military leaders of Israel which should remind the world of the indictment of the Nazi war criminals at the International Military Tribunal at Nürnberg and the indictments which were still being made of Fascist and Nazi war criminals in other tribunals in Europe.

14. The findings of the Special Committee, which were summarized in chapter IV of its report, supported the following charges against the Zionist political and military leaders. First, the Zionist invaders and occupiers were following a policy which was designed to destroy the national and physical existence of Palestinians in Palestine, of Syrians in the Golan Heights and of Egyptians in northern Sinai and Sharm El-Sheikh. According to authentic information received from the occupied areas, the Zionist invaders had established 42 Nahal or soldier-farmer settlements in various parts of the occupied territories. Second, the Special Committee had confirmed that Israel was deporting persons from the occupied territories and expressed the view that that practice was not only contrary to article 49 of the fourth Geneva Convention of 1949 but was also part of a total policy of depriving the people of the occupied territory of their right to remain in their homeland; the Special Committee had made the same finding with regard to the practice whereby Israeli nationals were transferred to the occupied territories. Third, the Special Committee confirmed that the Zionists were committing war crimes by destroying the houses of persons suspected of helping members of the resistance. The special reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the supplementary report pertaining to agenda item 38 (see A/8383 and Add.1), which had been considered by the Committee, confirmed that 4,428 rooms in the Gaza Strip, the homes of 2,410 families totalling 14,704 persons, had been destroyed in July and August of 1971 by Moshe Dayan and his storm-troopers. Fourth, the Special Committee had received evidence regarding the ill-treatment and torture of Arab men and women who were put either in concentration camps or in prisons. It should be recalled that in paragraphs 78 to 121 of its first report³ the Special Committee had confirmed that barbaric and inhuman methods of torture were being used which were far worse than those which had been used by the Nazis and Fascists in Europe. In that connexion he referred to paragraph 60 of the Special Committee's current report, in which the Special Committee had stated that it could neither accept nor reject such allegations in the absence of further corroborative evidence. At the previous meeting the Chairman of that Committee had made a similar statement. He, himself, felt that the Committee was being too cautious out of fear of being called biased by the representative of the invaders, and he referred to the case of Mr. Abu Rumeille, described in paragraph 67.

15. Fifth, the Special Committee dealt with what was called "administrative detention". In paragraph 68 of its report, it had noted that the practice of administrative detention of individuals continued and that under that practice a considerable number of persons was still deprived of their liberty without charges being brought against them. The statement by Moshe Dayan mentioned in that para-

graph to the effect that the number of detainees had decreased considerably by June 1971 was an unmitigated lie the aim of which was to deceive world public opinion. Contrary to that statement and the statement by the representative of the invaders at the previous meeting concerning the number of prisoners, he himself knew that 10,000 persons had been captured or detained without charges being brought against them and that there were currently 5,000 under detention. Those 5,000 detained Palestinians were in addition to the 3,631 Palestinians who had been detained, tortured and illegally tried and convicted by Zionist kangaroo courts.

16. Sixth, the Special Committee dealt with other inhuman crimes committed in the occupied territories, namely, the imposition of curfews for prolonged periods, mass arrests and changes in the school curricula of Arab children. In that connexion he referred to paragraphs 69 and 71 of the report.

17. Further conclusions were contained in other paragraphs of the Special Committee's report. For instance, paragraph 47 listed facts that supported the conclusion that it was the Government of Israel's policy to annex and settle the occupied territories, which the Special Committee had said in paragraph 46 was a denial of the fundamental human rights of the local inhabitants and a repudiation of accepted norms of international law. In paragraph 48, the Special Committee had said that it was unable to accept any argument whereby considerations of security might be invoked to depopulate occupied territories, or any attempted justification of such actions on the grounds that the Arab States should receive the thousands of persons deprived of their ancestral homes. In paragraph 81 the Special Committee had said that evidence showed that the situation had deteriorated since its previous mission, in 1970 and, in paragraph 83, that the most effective way of safeguarding the human rights of the population of the occupied territories was to put an end to the occupation, failing which, if the provisions of the Geneva Conventions of 12 August 1949 were to be enforced, the States concerned would have to agree to an arrangement that would remove any suspicion of violation of those human rights.

18. The report dealt fully with the evidence on Jerusalem, which provided proof of the war crimes and the crimes of genocide committed by the Zionist leaders against Jerusalem and its Moslem and Christian population. Israel's only response to Security Council resolution 298 (1971), which had called upon it to rescind all previous measures and actions and take no further steps in the occupied section of Jerusalem which might purport to change the status of the City, or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace, had been to claim that the Zionist war crimes were blessings to Jerusalem and its inhabitants. The representative of the invading forces had claimed in his statement at the preceding meeting of the Committee that the Palestinians were grateful for the improvement in their standard of living, education and health since the occupation. The so-called Israeli Foreign Minister had ignored the Secretary-General's letter informing him of a plan to send a mission to Jerusalem to assist him in reporting to the Security Council. It was therefore the Security Council's

duty to adopt a resolution under Chapter VII of the Charter, imposing diplomatic, economic and military sanctions against the illegal Zionist régime.

19. The Zionist colonial conspiracy against Palestine included a plan for the eradication of Christianity and Islam from the Holy Land and the destruction of the Moslem and Christian Holy Places. In 1967 Moslem and Christian churches had been bombarded and wilfully damaged and desecrated. Since then, Jewish visitors had been allowed to visit them, improperly dressed, and to behave disrespectfully in them. The Zionist invaders had converted Moslem schools, mosques, hospitals and historical buildings for use as offices, barracks or synagogues. They had dynamited 135 buildings and two mosques owned by Moslem religious endowments in order to make a square in front of the Wailing Wall, where they still worshipped, despite the fact that the commission appointed in 1929 by the Mandatory Power, with the consent of the League of Nations, had rejected the claim that it was part of a Jewish Temple that had been destroyed in 70 A.D. The truth was that it had been built by Moslems and the Zionists' claim was as false as their claim that Palestine was the "Promised Land".

20. The Zionists had completely ignored the General Assembly resolutions recognizing the legitimacy of the struggle of liberation and resistance movements and the right of freedom fighters to be treated as prisoners of war. The Assembly had recently again recognized the right of the Palestinians to self-determination (resolution 2792 (XXVI)). The evidence submitted in the Special Committee's reports and the additional facts provided by his delegation were sufficient proof to establish the guilt of the Zionist political and military leaders, according to the rules of international criminal law, and their violation of the Charter of the International Military Tribunal which had been adopted in 1945. Most of the data regarding war crimes and crimes against humanity contained in the judgement of the Nürnberg tribunal which had been recognized in General Assembly resolution 95 (I) and many decisions of other war crimes tribunals, applied also to the Zionists. For example, the judgement of the Nürnberg tribunal had stated that to initiate a war of aggression was the supreme international crime which contained within itself the accumulated evil of all war crimes; that plunder of public or private property was criminal under article 6 (b) of the Nürnberg Charter; that the ill-treatment or deportation of the civilian population in occupied territory was a war crime, and that it was contrary to military tradition to kill or injure prisoners of war. The war crimes court of Hamburg had stated that the killing of unarmed enemies was forbidden. Other war crimes tribunals had stated that the expulsion and deportation of civilians were war crimes and crimes against humanity and recognized de-nationalization as another category of war crime. That category was also recognized in the Australian, Chinese and Netherlands laws on war crimes. The invasion of the religious rights of the inhabitants of occupied territories had also been recognized as an offence under international criminal law. Military tribunals had listed as war crimes offences against private and public properties in occupied territories, such as pillage, confiscation and requisition of private property, destruction of inhabited buildings and monuments, and the seizure and destruction of or wilful damage to buildings dedicated to public worship, charity or education. General

Assembly resolution 96 (I) defined the crime of genocide and the Convention on the Prevention or Punishment of the Crime of Genocide, which had been unanimously adopted by the General Assembly in its resolution 260 A (III) referred to "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

21. The leaders of the Zionist régime in Palestine were invaders and aggressors just like the Nazi invaders and aggressors during the Second World War, and they would meet the same fate. After liberating their homeland one of the national objectives of the Palestinian people would be to try in courts of law, in accordance with international law, all the political and military leaders in occupied Palestine who were guilty of war crimes, crimes against humanity and the crime of genocide committed against the Palestinians. Unlike the Zionist court in Palestine that had tried Adolf Eichmann for crimes against the Jewish (and not the Palestinian) people which had been committed in Germany and other European countries, the Palestinian courts would exercise jurisdiction in accordance with international law and justice because they would be trying the Zionist war criminals for crimes committed against the Palestinians in Palestine between 1947 and 1967 and those committed since 1967.

22. The representatives of European nations undoubtedly remembered the horrors and humiliation of the Nazi occupation and the crimes committed by the Nazis and Fascists against their peoples. Their Governments had condemned those crimes and set up courts which had tried and convicted the war criminals responsible. He wondered whether the European representatives in the Committee would apply the same standard to the Middle East. The Palestinian people were waiting to see whether the European nations would consider that they had discharged their moral responsibilities by providing rations worth 10 cents per refugee per day or whether they would take effective measures to put an end to those crimes. At the same time, however, he wished to pay a tribute to the European nations for having helped to adopt a strengthened resolution at the 2016th plenary meeting of the General Assembly, on the previous day; asserting the principle that rights could not be acquired through military conquest. That fact provided an indication that the European countries had indeed awakened to the true intentions of the Zionist invaders.

23. The United States of America had actively participated in the trial and punishment of war criminals in Europe and had played a leading role in the United Nations in connexion with the adoption of the Convention on Genocide. He recalled that in 1950, Mr. Dean Rusk, then Deputy Under-Secretary of State had made a statement before the Foreign Relations Committee of the United States Senate urging the ratification of the Convention in which he had said that, having co-operated with other nations in the suppression of such lesser offences as the killing of fur seals, the United States should assert its moral leadership in suppressing the destruction of human groups. As recently as 14 November 1971, the President of the United States of America had cabled the Jewish Federation of Welfare Funds, which collected thousands of millions of tax-exempt dollars to underwrite Zionist crimes, reaffirm-

ing his Administration's continuing commitment to the fundamental rights of human freedom and dignity for people of all nations. The Palestinian people were waiting to see what the representative of the United States of America would say in the Committee regarding their human rights. He wondered whether the United States Government would support those fundamental rights for the Arab people, or only for Jews, whether it would exercise moral leadership in suppressing the killing of Palestinian men, women and children, or would remain isolated from the international community, together with the Fascist-Zionist aggressors and war criminals and whether it would uphold the principles on which it had been founded, or would continue its policy of aiding invaders and murderers.

24. The recommendations made by the Special Committee in chapter V of its current report might be useful as preliminary measures, but they should have been taken by the General Assembly in June 1967, rather than after four and a half years of Zionist occupation and crimes against the Arab people. At the current stage, to adopt those measures alone would be to accommodate the invaders without benefiting the victims of the occupation. Indeed, as the Special Committee had stated in paragraph 83 of its report, the most effective way of safeguarding the human rights of the population of the occupied territories was to end the occupation.

25. The statements made by the representative of the Zionist war criminals contained nothing new; he had constantly referred to the Palestinian freedom fighters as terrorists while illegally occupying their seat in the Committee, and he had himself taken part in war crimes against the Palestinian people as a member of Zionist terrorist organizations.

26. The Committee had before it corroborated evidence of Zionist crimes against humanity; he wondered whether it would now adopt an ineffectual draft resolution, as it had done the year before, or would strike at the root of the problem. The General Assembly and the Security Council must put an end not only to the illegal and inhuman Zionist occupation of Arab territories, but also to the illegal occupation of Palestine and thus prevent further Zionist crimes against the Arab people and eliminate the consequent threat to international peace and security. It was indeed degrading to the United Nations and to its Charter to admit as a Member an illegal racist alien Zionist régime which was not a State either in fact or in law, and to permit it to usurp the seat of the Palestinians. The representatives of gangs that were guilty of crimes against humanity were no more entitled to a place among representatives of peace-loving nations than were the representatives of the Hitler régime. He therefore urged the Committee and the General Assembly to adopt effective measures to bring peace and justice to the Middle East and to put an end to Zionist war crimes. With that end in view, the illegal racist Zionist régime must first of all be expelled from the United Nations. Secondly, diplomatic, economic and military sanctions similar to those imposed against Southern Rhodesia must be imposed against the Zionist régime. The crimes being committed in Palestine, where the Zionists had occupied Jerusalem in defiance of the United Nations, were far more serious than those committed by the Rhodesian régime. There must be no double standard where morality

and justice were concerned. Thirdly, the United Nations must recognize the right to self-determination of the indigenous Palestinians of all faiths and assist them in establishing a democratic Government for the Republic of Palestine. Only when those measures had been taken would the Middle East regain its dignity and peace.

27. Mr. AKL (Lebanon) said that the report of the Special Committee once again reflected the persistence of Israeli practices affecting the human rights of the population of the occupied territories, in violation of the basic principles of international law, the Geneva Conventions of 1949 and numerous resolutions of the United Nations and the specialized agencies. Moreover, it once again confirmed Israel's determination to pursue its systematic and premeditated policy of aggression and expansion.

28. Following the Special Committee's first report, the General Assembly had adopted its resolution 2727 (XXV), in which, "gravely concerned for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel", it had called upon the Government of Israel immediately to implement the recommendations of the Special Committee, to comply with its legal obligations and to co-operate with the Special Committee. He noted with regret that Israel, faithful to its traditions, had not complied with any of those provisions. It had persisted in its categorical refusal to co-operate with the Special Committee or to allow it to visit the occupied territories. Since the establishment of the Special Committee under General Assembly resolution 2443 (XXIII), Israel had endeavoured by every means to discredit the members of that Committee and their Governments, to cast aspersions on their impartiality and honesty and to belittle the Special Committee's work, procedure and conclusions. That very day at the previous meeting, the representative of Israel had once again repeated those tendentious accusations and baseless arguments. At the same meeting the Chairman of the Special Committee had replied in sufficient detail to Israel's allegations.

29. Israel continued to oppose the decisions of the United Nations, even when they were unanimous or nearly so, whenever such decisions affected its policy of aggression. There was no need to enumerate all the resolutions adopted over a quarter of a century which Israel had ignored, rejected or openly violated. It was sufficient to recall that for four years Israel had blocked the implementation of the provisions of Security Council resolution 237 (1967), which the Council reaffirmed in its resolution 259 (1968), and of General Assembly resolution 2252 (ES-V) and resolution 6 (XXV) of the Commission on Human Rights concerning inquiries into the humanitarian aspects of the situation in the occupied Arab territories. Only recently, Israel had out of hand rejected Security Council resolution 298 (1971) and had refused to receive a mission of the Council which was to report on the situation in Jerusalem. That refusal could hardly be justified by any doubts as to the objectivity and impartiality of the representatives of such States as Argentina, Italy and Sierra Leone. It was indeed strange that a Member State should demand the total and unconditional acceptance of its views and policies even when they were contrary to the principles of the Charter of the United Nations and to elementary justice.

30. The basic reason for Israel's behaviour was its fear of the truth, which it endeavoured to conceal even by the most disgraceful means. The current report of the Special Committee once again exposed the criminal acts which Israel had continued to commit against the innocent population of the occupied territories since its aggression of June 1967. That objective and judicious report supplemented the report the Special Committee had submitted at the twenty-fifth session and corroborated its conclusions. His delegation wished to express its gratitude to the Chairman and the members of the Special Committee for their competence, objectivity and moral and political courage.

31. He recalled that the Special Working Group of Experts (established under resolution 6 (XXV)) of the Commission on Human Rights had conducted an inquiry during the preceding year which had dealt a crushing blow to the Israeli authorities by exposing the atrocities and violations of human rights they had committed in the occupied territories. The Commission on Human Rights had endorsed the conclusions contained in the report of the Group of Experts⁵ in its resolution 10 (XXVI) and again in its resolution 9 (XXVII). The report of the Special Committee confirmed the conclusions contained in the report of the Group of Experts as well as in reports of such international organizations as the International Committee of the Red Cross (ICRC) and Amnesty International, and the testimony of many distinguished individuals. As the Chairman of the Special Committee stated in his letter of transmittal to the Secretary-General (see A/8389 and Corr.1 and 2), the evidence presented to the Special Committee during its investigation in 1971 had confirmed its impression that policies and practices, which it had discovered in 1970, violating the human rights of the population of the occupied territories had continued and had become even more manifest.

32. His delegation wished to draw attention to a few of the many violations of human rights that Israel continued to commit against the physical well-being, property, cultural and moral heritage and institutions of the inhabitants of the occupied territories. Those violations included collective and regional punishment, reprisals, ill-treatment and murder of civilians, arbitrary mass detention, ill-treatment and torture of detainees, individual and collective deportation and expulsion, demolition of homes, confiscation of property, destruction of entire villages and neighbourhoods, interference in the legal and educational systems, annexation and the establishment of colonies. His delegation attached particular importance to two flagrant examples of Israeli policy, namely, the situation in Gaza, which had come to the Committee's attention in connexion with its consideration of the report of the Commissioner-General of UNRWA (A/8413), and the situation in Jerusalem, which had always been a matter of deep concern to his Government.

33. Quoting the description of the situation in the Gaza Strip contained in paragraph 226 of the introduction (A/8401/Add.1 and Corr.1) to the report of the Secretary-General on the work of the Organization and referring to the additional information provided by the Commissioner-

General of UNRWA in two special reports (see A/8383 and/Add.1), he said that 4,428 rooms had been demolished and 2,410 families, numbering 14,704 individuals, had been forcibly dispersed or removed to other areas of the occupied territories, having had to remove all their property with no more than two days', and sometimes as little as two hours' notice. He quoted from paragraph 12 (c) and paragraph 19 of the Special Committee's supplementary report (see A/8389/Add.1), in which that Committee described some of the measures taken by the Israeli authorities for the wholesale transfer of civilian populations, as well as some of their plans for the future in that regard.

34. The occupied portion of Jerusalem had simply been annexed outright. Israel was proceeding to mutilate the landscape of that Holy City and alter its status and character, disregarding the unanimous wishes of the international community and the religious feelings of hundreds of millions of Christians and Moslems and the unanimous resolutions of the Security Council. In that connexion, he quoted from paragraphs 228 and 229 of the introduction to the report of the Secretary-General on the work of the Organization, in which the Secretary-General expressed his concern over the situation in Jerusalem.

35. His delegation did not wish to enter into an analysis of the various legislative and administrative measures adopted by Israel with a view to the annexation of the occupied portion of Jerusalem; those aspects of Israel's policy had been dealt with by the Security Council in the course of its debates on the situation in Jerusalem in September 1971. However, he wished to emphasize that the situation was of grave concern to his Government and people, as well as to millions of other Christians and Moslems.

36. Israeli practices in the occupied territories were contrary to the norms of international law and openly violated the pertinent resolutions of international organizations. They were, moreover, the instrument of an over-all policy of aggression and expansion. Through its practices, Israel violated the principles and provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and its contractual obligations under the third and fourth Geneva Conventions of 1949, especially articles 32, 33, 49, 53, 54 and 147 of the latter.

37. As the representative of Kuwait had pointed out (799th meeting), the methods used by Israel in pursuance of its policy of expansion and annexation consisted in the expulsion and deportation of the inhabitants of the occupied territories with a view to the establishment of Jewish settlements. Indeed, in paragraph 44 of its current report the Special Committee had confirmed that the Government of Israel was following a policy of annexing and settling occupied territories in a manner calculated to exclude all possibility of restitution to lawful ownership; in paragraph 72 of the same document, it indicated that the Government of Israel was applying a policy designed to effect radical changes in the physical character and demographic composition of several areas of the territory under occupation by the progressive and systematic elimination of every vestige of Palestinian presence in those areas. The Special Committee had based its conclusions on the many solid facts and arguments contained in paragraphs 47 and

⁵ Documents E/CN.4/1016 and Add.1-18.

48 of the report, many of which had been taken from statements by highly-placed Israeli officials and leaders or from reports published in Israeli newspapers. The statements regarding Israel's expansionist designs were self-explanatory. They made it clear why Israel was setting up new settlements in the occupied territories and obstinately refused to grant displaced persons the right to return to their homes. There could be no doubt as to Israel's reasons for denying the Palestinian people their inalienable rights, including the right to self-determination which had been recognized by the General Assembly.

38. His delegation fully shared the view expressed by the Special Committee in paragraph 83 of the current report that the fundamental violation of human rights lay in the very fact of occupation and that the most effective way of safeguarding the rights of the population of the occupied territories, therefore, was to end the occupation of those territories. His delegation, which represented a pluralistic and tolerant nation, strongly denounced the violations of human rights committed by Israel and that country's expansionist and annexationist policy, which was inspired by a mystique of violence and racial and religious exclusivism. That policy was strangely reminiscent of that of the Nazis, of which the Jews in Europe had been the principal victims. His delegation, which still believed in the primacy of law and morality in international relations, hoped that the international community would take effective action to put an end to those violations and to that policy.

39. Mr. MOUSSA (Egypt) said that he wished to express his gratitude to the United Nations and the Special Committee in particular for their efforts to alleviate the sufferings of the peoples of the occupied territories and protect their basic rights in the difficult conditions created by continued foreign military occupation. The Special Committee's report was one of the major items being discussed in the context of respect for and protection of human rights and fundamental freedoms, for Israel was refusing to abide by the principles of human rights and implement the provisions of the relevant laws and conventions and was demonstrating complete indifference to the sufferings of the population of the occupied territories. In its report the Special Committee expressed regret that the Government of Israel continued to ignore the appeal addressed to it by the General Assembly in its resolution 2727 (XXV) to receive the Committee, co-operate with it and facilitate its work.

40. The Israeli authorities had claimed that the Special Committee had been illegally established; the fact was that it had been established by a General Assembly resolution, in strict conformity with Article 22 of the Charter. But when, it must be asked, did Israel respect either the Charter or the resolutions of the United Nations? The Israeli authorities had, moreover, claimed that the Special Committee's terms of reference were biased, yet those terms of reference were simply that the Special Committee should ascertain whether the principles of human rights were being respected and whether the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 were being implemented. The question which might legitimately be asked was, why had it been necessary to establish the Special Committee in the first place? The answer lay in Israel's refusal to

acknowledge its commitments under that Convention including those relating to the system of protection for which the Convention provided.

41. The stand taken by Israel had made it impossible to protect the human rights of the population of the occupied territories and had subsequently impeded the establishment of the requisite mechanism for investigation and scrutiny, as called for by the Convention. Intervention by the international community to ensure the application of the Convention was therefore a necessity. Respect for human rights during armed conflicts had always been recognized as imperative, and the Nazi occupation of Europe had accentuated the need to protect populations under foreign occupation. The fourth Geneva Convention of 1949, the Genocide Convention and the Universal Declaration of Human Rights were all part of the body of law protecting the rights of populations under foreign occupation which had come into being as a result of the experiences of the Second World War.

42. He would like at the outset to consider the over-all picture of human rights violations in the occupied territories and to draw attention to some of the most flagrant examples as they had emerged from the reports of the Special Committee and reports by other international bodies. The denial to the displaced population of the occupied territories of their right of return constituted a denial of a number of fundamental rights: it was a denial of nationhood, of the individual's right to his property and possessions, of his human dignity and of his right to be treated with equality and to dwell in his own country rather than being compelled to live in a state of exile.

43. The other aspect of Israel's policy of driving out the population of the occupied territories was that of colonizing those territories through the establishment of settlements to be inhabited by large numbers of Israelis. That process was not only a grave violation of the general principles of international law and, indeed, of the United Nations Charter, but also a direct violation of human rights, for the settlements in question were to be established not in some non-man's-land but on land which was legally owned and occupied by others. It was important to realize the extent to which Israel's policy of colonization involved the violation of human rights: that explained not only the denial to the refugees and displaced persons of the right of return but also the policy of collective punishment, the destruction of houses and villages, the confiscation and expropriation of property and other similar policies, all aimed at cutting the ties of the rightful inhabitants to their land and their country.

44. A common feature in all racist movements when they assumed power was their attempt to alter certain demographic facts by force. The Nazis had resorted to the use of gas chambers and the racists in South Africa to the policy of restricted movement and forced transfer of populations. Zionism used the policies of expulsion and colonization. He drew attention in that connexion to the statement in paragraph 67 of the Special Committee's first report³ that the occupying Power was pursuing a deliberate policy calculated to depopulate the occupied territories. The process of colonization was specifically prohibited by article 49 of the fourth Geneva Convention of 1949

because it entailed the violation of human rights. Israel's policy of colonization of the occupied territories had been condemned even by States that were friendly to it. In the letter transmitting the current report the Special Committee had stated that the evidence presented to it during 1971 had confirmed its impression that policies and practices violating the human rights of the population of the occupied territories had become even more manifest, especially the policy of settlement, as applied in the Golan Heights and certain parts of the West Bank and Sinai, and the policy of annexation, of which the situation in eastern Jerusalem was an example. The Special Committee went on to state that the existence of such policies openly admitted and proclaimed by members of the Government of Israel and by Israeli leaders, was a grave violation of the human rights of the population of the occupied territories. In paragraph 44 of the report, the Special Committee cited further evidence that the Government of Israel was following a policy of annexing and settling occupied territories in a manner calculated to exclude all possibility of restitution of those territories to their lawful owners.

45. The distinction between annexation of conquered territory and occupation of territory in wartime was clarified in paragraph 45 of the report in a quotation from the Commentary by ICRC on the fourth Geneva Convention of 1949, which stated that the occupation of territory in wartime was essentially a temporary, *de facto* situation, which deprived the occupied Power of neither its statehood nor its sovereignty, and that, consequently, occupation as a result of war could not imply any right whatsoever to dispose of territory. ICRC went on to state that a fundamental principle emerged from those considerations, namely, that an occupying Power continued to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claimed during a conflict to have annexed all or part of an occupied territory.

46. Paragraph 47 of the report set forth many facts in support of the conclusion that it was the policy of the Government of Israel to annex and settle the occupied territories, including the existence of an Israeli "Ministerial Committee for the Settlement of the Territories", express pronouncements about annexation and settlement by Israeli Ministers and leaders, uncontradicted reports appearing in the information media of the planned establishment of Israeli settlements, the absence of any serious attempt at repatriation of refugees, and the continued transfer of the population of the occupied territories to other areas within those territories. The Special Committee concluded its investigation of that point by recommending in paragraphs 85 and 86 of the current report that the General Assembly should call upon the Government of Israel to desist from all measures for the annexation of the occupied part of Jerusalem and to discontinue its policy of moving Israeli settlers into the new settlements established in many parts of the occupied territories.

47. Another question which involved the violation of the human rights and fundamental freedoms of the population of the occupied Arab territories was that of deportation. In paragraph 49 of the report, the Special Committee stated that it had seen for itself some of the persons alleged, in letters from the Jordanian Government circulated as Secu-

riety Council documents, to have been deported, and that it had before it letters from ICRC to the President of the Jordan Red Crescent Society in which ICRC had deplored the expulsion of civilians from the West Bank and stated that its delegates in the West Bank had made many interventions during the past three years protesting against expulsion. The Special Committee had then stated, therefore, that it had no doubt that a large number of persons had been forcibly deported regularly from the occupied territory by the Israeli authorities. The fact of deportation was thus established beyond all reasonable doubt, and the frequency with which it had taken place since June 1967 had led the Special Committee to believe that it was a part of the policy of the Government of Israel. It accordingly recommended, in paragraph 87 of the report, that the General Assembly should call upon the Government of Israel unconditionally to permit all persons who had fled the occupied territories or who had been deported or expelled therefrom to return to their homes.

48. The policy of collective punishment was one which had been applied by the occupying Israeli authorities long before being formally declared by the Israeli Minister of Defence in November 1969, and it was still being carried out, although with less publicity than in the past. It constituted a particularly reprehensible violation of the universal legal principle that an innocent person should not be made to suffer for the acts of others. When applied by the Nazis in occupied Europe it had been universally condemned, and it was specifically prohibited in the fourth Geneva Convention of 1949. General Moshe Dayan, in stating, as quoted recently by *The Jerusalem Post*, that collective punishment was effective because it prompted the population to drive the terrorists away in order to prevent its own destruction, was echoing statements which had been made in Europe during the Second World War. The Special Committee stated in paragraph 56 of its report that the fact that demolition of houses was taking place was undeniable, and it quoted a statement by the Israeli Prime Minister to the effect that the destruction of buildings at Halhoul and Gaza was in pursuance of her Government's policy of destroying the houses of persons helping members of Al Fatah.

49. The Special Committee had also received reports that a number of villages had been entirely destroyed by the Israeli authorities, as acknowledged by ICRC in the September 1970 issue of the *International Review of the Red Cross*. In a letter addressed to the Jordan National Red Crescent Society in June 1971 the ICRC delegate in Jordan had stated that according to the Red Cross delegation in the West Bank the village of Nebi Samwili had been destroyed by Israeli armed forces in March, and that the President of ICRC had sent a letter to the Israeli Prime Minister expressing ICRC's grave concern about the destruction of buildings in the occupied territories and underlining that organization's position with regard to the serious violation of humanitarian principles which that destruction represented.

50. In that connexion, his delegation wished to draw attention to the serious situation in the Gaza Strip resulting from acts committed by the Israeli military occupation authorities, who had destroyed not only homes and villages but also refugee camps, such as that at Jabaliya where

military roads were being constructed. The Commissioner-General of UNRWA had sent the Secretary-General a special report expressing concern about the effect on Palestinian refugees of such Israeli military operations in the Gaza Strip. In his note (A/8383) transmitting that report, the Secretary-General had stated that he shared the Commissioner-General's concern and that he had urgently requested the Government of Israel to undertake all measures necessary to ensure the immediate cessation of the destruction of refugee homes in the Gaza Strip and halt the removal of the refugee occupants to places outside Gaza. The Commissioner-General had pointed out to the Israeli authorities that the demolition appeared to be much in excess of the alternative accommodation available and had asked that a halt should be called to the operations and that action should be urgently taken to provide adequate shelter within the Gaza Strip for those who had lost their homes. Those efforts, however, had been of no avail and the Israeli Minister of Defence had informed the Commissioner-General on 19 August 1971 that the homes of 1,515 families, comprising over 10,000 persons, had been demolished and that the operations must go on.

51. The Special Committee concluded that the policy of destruction of houses and villages was in violation of articles 33 and 53 of the fourth Geneva Convention and expressed the view that it, and the policy of deportation, were aspects of a general policy of annexation and settlement which could have but one result: the elimination of any possibility of the fulfilment of the Palestinian people's right to self-determination within the confines of their own homeland.

52. The gravest of all the patterns of violation of human rights that were evident in the territories in question was the ill-treatment of prisoners and detainees, and, specifically, torture. The Special Committee, ICRC, Amnesty International, the Israeli League for Human and Civil Rights, the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights, and many journalists and private witnesses had provided irrefutable evidence of the wide-scale torture of prisoners and detainees. In particular, Amnesty International's report published in April 1971 stated that, under the emergency regulations applied by the occupying authorities, some 80 citizens of the occupied territories were arrested each week and held for periods which might last several months before they were brought to trial or committed to administrative detention, and that it was during those periods of interrogation that they were subjected to torture. In addition to torturing prisoners and detainees, the Israeli authorities followed the practice of holding such persons *incommunicado*. Red Cross representatives had tried time and again to exercise their right under the fourth Geneva Convention to visit such persons but the Israeli authorities had refused to allow them to do so, which led ICRC to state that the visiting procedure laid down by the Israeli authorities no longer made it possible to ensure that interrogation methods at variance with humanitarian law did not occur. The Israeli system of detention combined grave violations of human rights in a single act. For example, entire families were detained on suspicion that they had given shelter to members of the

resistance movement and were released only when the individual allegedly so sheltered had been either killed or captured by the Israeli police. Thus the Israeli authorities managed to combine the offences of collective punishment, unlawful detention and the taking of hostages, all of which were violations of the fourth Geneva Convention.

53. He wished to conclude by commenting on the general condition of repression and terror to which the population in the occupied territories was subjected. The existing situation in the Gaza sector was a case in point. The Israeli border police had been assigned control of the sector and any human being moving in the streets during the curfew was automatically shot. Whipping was a common practice of the border police. Many of the violations being committed by the Israeli authorities constituted war crimes as defined in article 6 of the Charter of the International Military Tribunal, articles 146, 147 and 148 of the fourth Geneva Convention, and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (General Assembly resolution 2391 (XXIII), annex). The first instance in which the question of the application of the fourth Geneva Convention had arisen was Israel's occupation of the Arab territories in 1967. From the outset, Israel had refused to consider itself bound by the Convention. That situation raised serious questions with regard to the future application of the Convention and of similar conventions. There were few, if any, other conventions in which as many States participated as the Geneva Convention, in which it was stated that the Contracting Parties undertook to respect and to ensure respect for its provisions in all circumstances. In a commentary on the Convention, ICRC had stated that the proper working of the system of protection provided by the Convention demanded that the Contracting Parties should not be content merely to apply its provisions themselves but should do everything in their power to ensure that the humanitarian principles underlying the convention were applied universally. The peoples of the occupied territories were entitled to know whether the States Parties to the fourth Geneva Convention were willing to live up to that obligation. If the Convention was not implemented now in the case of those countries whose territories were under occupation, no State could rest secure about its future application.

54. He wished to reserve the right to reply at a subsequent meeting to certain points raised by the representative of Israel.

55. Mr. CHAMMAS (Lebanon), speaking on a point of order, noted that there were still three speakers who had asked to be heard at the current meeting and moved the adjournment of the meeting on the understanding that those speakers would be heard when the Committee met on the following day.

56. Mr. CAHANA (Israel) said that he supported that motion and reserved the right to reply on the following day to the accusations, distortions and lies which had been heard at the current meeting.

The meeting rose at 6.15 p.m.