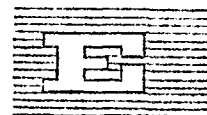


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 February 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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The meeting was called to order at 3.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1985/5, 6, 34 and 35; E/CN.4/1985/NGO/1; A/39/591)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1985/12, 13, 37, 39 and 40)

1. Mrs. BRIDEL (International Association of Democratic Lawyers) said that the delegation from her organization which had travelled to East Jerusalem and the West Bank in October 1984 had found that Israel's policy in the occupied territories could only make the Palestinian people's opposition even more determined. In most communities, members of the Palestine Liberation Organization (PLO) had won the municipal elections which had been organized in 1976 in the occupied territories at the instigation of the Israeli authorities, but a great many of those elected mayor had since been removed from office. The Mayor of Nablus had been dismissed and placed under surveillance night and day. His life had been threatened and he was still at the mercy of Israel's whims. All Palestinians who refused to accept Israeli occupation lived in a state of constant insecurity. One out of six Palestinians had been or was now in prison and the Israeli army was constantly intimidating the people of the occupied territories. Short-term detention was a very common practice and those subjected to it tended to be glorified as martyrs; that only exacerbated tensions. The movements of Palestinians had to be authorized by a permit; the Israeli authorities, which were trying to encourage young Palestinians to take up residence outside Palestine, granted such permits as they saw fit. The policy of expulsions separated families and extremely rigorous conditions of detention prevailed in certain over-populated prisons, where detainees were kept in their cells 22 hours out of 24, neglected, under-nourished and ill-treated.

2. There were shocking inadequacies in the Palestinian refugee camps. Those where tents had been replaced by concrete structures were turning into slums. Refugees were subjected to frequent house searches and mass arrests and the Israeli authorities periodically blocked access to the camps. The Israeli army had responded with complete indifference to attacks on the refugee camps by Rabbi Kahane's extremist groups. It had become impossible to guarantee security in the camps and the United Nations Relief and Works Agency for Palestine Refugees in the Near East was powerless to deal with the situation.

3. Mr. SHOUNA (Observer for the Sudan) said that the problems the Commission was considering were becoming more and more urgent and represented a growing threat to international peace and security, as well as a challenge to the entire international community, inasmuch as they still had not been solved despite the many resolutions adopted by the United Nations. Violations by the Zionists of the human rights of the Palestinians and the racist policy practised by the South African regime were claiming more and more victims and also involved aggression against neighbouring States. Israel was practising a policy of State terrorism, characterized by expropriations, destruction and expulsions, in order to uproot an entire people and wipe out its culture, civilization and identity.

The Israeli Government was imposing its own law on the occupied Arab territories and was attempting to annex Palestine, the West Bank, the Gaza Strip, the Golan Heights and southern Lebanon by armed force. Although the Zionist State claimed to be democratic, it continued to persecute the legitimate representatives of the Palestinian people, to attack places of worship and to obstruct religious freedom. The Zionists' crimes were public knowledge and no one could forget the Sabra and Chatila massacres.

4. The many reports on the situation revealed that the number of victims of Israel's policy was constantly growing. Although Israel had prevented the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories from gathering information on the spot, the Special Committee had submitted a truthful and objective report (A/39/591) which related to Israel's expansionist practices and was based, inter alia, on information published not only in foreign but also in Israeli newspapers. Israel was thus continuing to apply its policy of oppression and occupation in the occupied Arab territories, in defiance of the many resolutions and decisions adopted by the United Nations and, in particular, by the Commission and in violation of the Charter and the principles of international law. It had annexed Jerusalem and made it its capital and continued to occupy the Golan Heights, the Gaza Strip and the West Bank. It was also applying its policy in Lebanon.

5. Faced with that challenge, the international community had the duty to protect the rights of Palestinians in the occupied Arab territories and to put an end to Israel's policy by insisting that detained Palestinians should be released, that Israel's responsibility for the massacres in Palestine and the other occupied territories should be acknowledged and that the demands of the Palestinians, led by the Palestine Liberation Organization, should be met.

6. His own country would continue the efforts it was making in the United Nations to find a just and equitable solution to the problem of the Palestinian people and would support any initiative aimed specifically at self-determination for the Palestinian people. The many peaceful initiatives taken for that purpose had failed because of the intransigence of the Israeli authorities. The Declaration and Programme of Action adopted by the International Conference on the Question of Palestine in September 1983 should be unanimously supported, as should the call for an international peace conference on the Middle East which would bring together all the parties concerned. The observer for Israel, who disregarded the Commission's work and resolutions, was trying to silence the Special Committee. The Commission must take the necessary measures to stop such manoeuvring.

7. The population of southern Africa continued to endure the brutality of apartheid. The racist regime of South Africa, which systematically violated all human rights, was opposed to the adoption of any measure that would bring an end to that situation, both in South Africa and in Namibia, and was attacking neighbouring countries, invoking arguments similar to those of Israel to justify its policy. He hoped that the international community would induce South Africa to accept its wishes so that racial discrimination would be eliminated and respect for all of the population's rights, including the right to self-determination free from foreign interference, would be ensured.

8. Mr. TARLAN (Observer for Turkey) said that the question of the violation of human rights in the occupied Arab territories, including Palestine, had been on the Commission's agenda for 17 years. Because of its own historical and cultural heritage and its geographical location, his country was keeping a close watch on the situation in the Middle East and its main concern was the achievement of a just and lasting peace that would guarantee full respect for human rights in the region. The situation in the Middle East hardly inspired optimism, however. The future of the people of Palestine was far from being settled and Lebanon was still trying to re-establish its sovereignty over its own territory and to move towards national reconciliation and reconstruction. The Lebanese people had experienced indescribable suffering and Israel's invasion of Lebanon over two years previously had led to many violations of human rights. The evacuation of Israeli troops from southern Lebanon must be pursued and completed rapidly so that Lebanon could maintain its sovereignty and unity, proceed with its reconstruction and ensure respect for human rights in its territory without external interference.

9. Violations of human rights in the territories occupied by Israel were continuing. Israel was trying to change the demographic composition of those territories, as well as the political and legal status of Al-Qods Al-Charif. Denied its legitimate rights, the Palestinian people was being subjected to a policy of oppression. More and more accusations of job discrimination, property confiscation, arbitrary arrests and torture were being made. Only a just and lasting peace in the Middle East would put an end to such suffering and create a climate that would promote the restoration of respect for human rights in the region. Since the Palestinian problem was the core of the Arab-Israeli conflict, it had to be solved so that all States in the region could live within secure and recognized boundaries. An equitable solution to that problem depended on recognition of the inalienable rights of the Palestinian people, including its right to self-determination and its right to establish an independent State in its own territory. Israel therefore had to terminate its policy of colonization and repression and withdraw from all the territories occupied since 1967, including Al-Qods Al-Charif, and negotiations had to be held by all the parties concerned. The Palestine Liberation Organization, the legitimate representative of the Palestinian people, had to take part in all peace negotiations on an equal footing with the other parties.

10. The United Nations had already made many efforts to draw the attention of the international community to the Palestinian problem and to mobilize the greatest possible support for a just and lasting solution. Those efforts must be continued and consolidated in order to solve the Palestinian problem and ensure respect for human rights in the Middle East in the interests of peace and security throughout the world.

11. Mr. VARKONYI (Observer for Hungary) said that the right of peoples to self-determination, as proclaimed in the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and many other instruments, was one of the fundamental principles of contemporary international law. It implied that peoples had the right to struggle for liberation and freely to choose their path to social and economic development and it was linked to the elimination of colonial and racist oppression and exploitation. The right to self-determination was an essential prerequisite for the enjoyment by all nations of their legitimate rights.

It was therefore unacceptable that it was being violated in certain parts of the world, particularly in the Middle East, where broad sectors of the Arab population were being subjected to atrocities, oppression and discrimination.

12. The situation of the Palestinians continued to be tragic and, year after year, members of the Commission spoke out against violations of fundamental human rights in the occupied Arab territories, including Palestine. The number of resolutions on the subject that had been adopted by the Commission, the Economic and Social Council and the General Assembly showed how important the problem was and how determined the international community was to solve it.

13. Those resolutions had, however, not prevented Israel from pursuing its aggressive and expansionist policy, denying the Palestinian people the opportunity to exercise its inalienable rights and escalating tensions in the Middle East. Israel was making systematic efforts to change the administrative status and demographic composition of the occupied Palestinian territories in order to deprive the Palestinian people of its cultural and historical roots and threaten its right to exist as a nation, thereby annihilating it. Without the massive support of its strategic allies, Israel would not be able to pursue that policy, which had been strongly condemned by the vast majority of nations. The situation in the Middle East continued to endanger peace in that region and throughout the world.

14. Israeli aggression therefore had to cease, the occupied territories had to be returned to the Arab population and the legitimate rights of the Palestinian people, including the right to independent Statehood, had to be recognized. It was also obvious that Israel's policy of territorial expansion and of the denial of basic human rights had adverse effects on the long-term interests of the Israeli people itself.

15. The international community could not remain indifferent to the fate of an entire nation or the injustice to which the Palestinian people was being subjected. Time had shown that efforts to bypass the United Nations in settling the Middle East crisis through separate agreements had not been successful and that the Camp David accords had only aggravated the situation because they had ignored the interests of the Arab nations and, in particular, those of the Palestinians. A just and lasting solution must be based on Israel's complete and unconditional withdrawal from all Palestinian and other Arab territories; the exercise by the Palestinian people of its legitimate rights to self-determination, national independence and sovereignty; establishment of an independent State; and the recognition of the right of every State in the region to live in peace within internationally guaranteed boundaries. The United Nations had a major role to play in that process.

16. The Hungarian Government would continue fully to support the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, in its just struggle. It was convinced that that heroic struggle could not be stopped or reversed by military occupation, invasion or massacres.

17. Mr. LACLETA MUÑOZ (Spain) said that, for his country, peace was synonymous with security and security depended on justice. Modern-day Spain had made a moral commitment to work for the establishment of a more secure and equitable international order in an atmosphere of freedom, as well as for recognition of and respect for the rights of individuals and peoples.

18. His delegation therefore reiterated its concern that flagrant and systematic violations of virtually all the human rights of the Arab population of the Israeli-occupied territories continued to be committed despite repeated appeals by international bodies. Reaffirming Spain's position on the question of Palestine and the Middle East conflict, he said that the settlement of that conflict and the consequent establishment of a just and lasting peace depended on Israel's withdrawal from all the Arab territories, including Jerusalem, which it had occupied since 1967; on respect for the right of all States in the region, including Israel, to live in peace within secure and recognized boundaries; and on respect for the legitimate rights of the Palestinian people, including its right to self-determination. The existing situation - including the establishment of Israeli settlements on public and private Arab land, the confiscation of Arab land and property, arbitrary arrests, the commission by armed Jewish settlers of acts of violence against individuals, campaigns of repression against cultural and educational institutions and the disruption of communication networks in certain parts of Arab territory - was unlikely to lead to the achievement of those objectives. His delegation therefore associated itself with the Commission's condemnation of those practices and with its appeals to Israel to end them.

19. At the same time, his delegation acknowledged that the Israeli authorities were making efforts to punish those responsible for certain criminal acts against the Arab population and it urged them to continue and intensify those efforts.

20. Full respect for human rights was closely linked to the exercise of the right of peoples to self-determination. Just as the question of Palestine was the core of the Middle East conflict, so the refusal to allow a people to exercise its right to self-determination was the basis for other conflicts which had unfortunately been clouding the international scene for some time and with which the Commission was concerned, namely, the conflicts in Namibia, Kampuchea, Afghanistan and Western Sahara.

21. The position which Spain had adopted with regard to Western Sahara in 1976, when it had declared that it had thenceforth ceased to be the administering power in the territory, remained unchanged. His Government continued to be of the view that the process of decolonization would be complete only when the population's opinion had been genuinely expressed by means of a self-determination referendum accompanied by appropriate international guarantees, as envisaged by the United Nations and the Organization of African Unity. His delegation regretted that there had as yet been no agreement on a cease-fire that would allow for the holding of such a referendum and it was convinced that a cease-fire could come about only through dialogue and negotiation, which would be the touchstone of the spirit of compromise of the leaders and peoples of the Maghreb and of their vision of the future.

22. With regard to the situation in Namibia, his delegation considered it important to apply without further delay the plan set forth in Security Council resolutions 385 (1976), 435 (1978) and 532 (1983). His Government was deeply concerned at the contempt for human rights arising out of the illegal occupation of that territory and at the delaying tactics being used by the Pretoria authorities to prevent the Namibian people from exercising its right to self-determination. It appealed to the South African authorities to give immediate effect to the aforementioned plan so that the Namibian people could exercise its right to self-determination through free elections.

23. As to the existing situation in Afghanistan and Kampuchea, his delegation regretted that nothing had been done to implement the many United Nations resolutions calling for the withdrawal of foreign forces from those countries so that their peoples could shape their own destiny in peace and freedom and without foreign pressure or interference.

24. Lastly, he assured the Commission of his delegation's full co-operation.

25. Mr. ERMACORA (Austria) said that the Middle East conflict raised humanitarian problems, as well as problems relating to human rights and the rule of law. His country's position in that regard and, in particular, with regard to the Palestinian problem had been clearly stated on a number of occasions in the General Assembly and other United Nations bodies. He would now refer only to certain humanitarian and other issues relating to human rights.

26. His delegation could not remain silent about some of the basic problems involved in the application of the Third and Fourth Geneva Conventions of 1949 to the situation in the Middle East. Firstly, it was unable to say who was legally entitled to decide on the application of those Conventions, but it was convinced that the Commission was the proper forum in which to discuss the matter. Secondly, it considered that Article 3, at least, of the third and fourth Geneva Conventions should be applied. It was strengthened in that position by the opinions of well-known international lawyers, such as Mr. Gros Espiell, who, after analysing the international legal framework applicable to his mandate as the Commission's Special Envoy on the human rights situation in Bolivia and drawing attention to the International Covenants on Human Rights and the two Additional Protocols to the Geneva Conventions, to which Bolivia was not a party, had stated: "It is nevertheless essential to bear in mind that such obligations exist as a direct consequence of the Charter of the United Nations and the Universal Declaration of Human Rights" (E/CN.4/1500, paragraph 28). That also applied to the situation in the Middle East.

27. Unlike earlier reports, the latest report submitted to the General Assembly by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591) did not refer to the establishment of a protecting power to ensure respect for the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. In his view, a protecting power could help to alleviate the plight of Palestinians living under occupation.

28. The documents before the Commission made it obvious that the violations of human rights that were now being committed were primarily the result of the fact that it was impossible to reconcile justified demands for full respect for the Palestinian people's rights and Israel's concern to maintain public order. In that connection, the information contained in paragraph 331 of the Special Committee's report (A/39/591) was particularly revealing because it referred to reports of protests in some sectors of Israeli society against the lawless behaviour of Israeli settlers. The vicissitudes of the report of the Commission of Inquiry established by the Israeli Ministry of Justice under the chairmanship of Mrs. Karp, Deputy Attorney-General, were equally revealing. It was disheartening to note that the Commission had completed and submitted its report in May 1982 and that its Chairman had resigned in May 1983 because, as then reported, the authorities had ignored the Commission's findings and recommendations. His delegation therefore wondered whether

the Commission on Human Rights had any means of supporting such internal inquiries, which had been conducted despite obstruction and disapproval on the part of some Israeli authorities, who were impeding efforts to shed light on allegations concerning the practices of the security forces. The Special Committee would be able to achieve one of its main goals if it succeeded in giving advice to such internal investigatory commissions on how to proceed and to carry out the tasks assigned to them.

29. He firmly believed that no mere condemnation or reference to international law would help to solve long-standing problems in that regard. He also considered that the use of force raised a problem with regard to the aims and purposes of the Charter of the United Nations. A solution to the conflict must be found through close co-operation with and within the United Nations and meticulous observance of the international instruments, particularly international human rights instruments adopted by the Organization. His delegation hoped that public opinion, both inside and outside Israel, would become more aware of that fact.

30. Mr. CLEMENT (France) said that his country regarded the right to self-determination, which was enshrined in the Charter of the United Nations, as one of the most fundamental human rights without which peoples would be unable to exercise their other fundamental rights and freedoms.

31. The Commission was therefore right to give high priority to the consideration of situations which were, unfortunately, constantly in the news and in which the right of peoples to self-determination was at stake and respect for human rights was being jeopardized.

32. It must be noted that there had been no change in the situation in Cambodia and that the Cambodian people was still being denied its right to self-determination. A people's right to self-determination was violated not only when that people was governed by a foreign authority, but also when its leaders were imposed by a foreign authority. It was questionable whether such leaders had the right to govern and, a fortiori, whether they could legitimately call for foreign armed assistance to put down what was an internal popular movement rather than foreign aggression.

33. In many respects, that situation called to mind the situation in Afghanistan. Cambodia and Afghanistan were both countries which had been invaded and occupied by foreign armies that were in no way intended to defend those countries against outside aggression. France had unequivocally condemned Soviet military intervention in Afghanistan, considering as it did that the crisis to which such intervention had given rise was a serious cause of international tension. It had always been in favour of a political solution based on the complete withdrawal of foreign troops, on respect for the independence, sovereignty and non-alignment of Afghanistan and on the exercise by the Afghan people of its right to self-determination. The war that was devastating that country had already taken a heavy toll on the civilian population and forced one Afghan in four to leave the country. All the fundamental human rights inherent in the human person were being violated in Afghanistan, the more so because the right to self-determination was being disregarded.

34. It was thus important, both in Afghanistan and in Cambodia, to set in motion a peace process that would make for the restoration of respect for human rights.

35. In the case of Western Sahara and every other situation of that kind, France continued to support the principle of the right of peoples to self-determination. It took the view that efforts to find a solution to the problem must be based on free and regular consultations, accompanied by adequate international guarantees.

36. The Palestinian people existed and that fact alone entitled it to the right to self-determination, with all that that implied. It was its obvious prerogative, in that context, to make its own choices. In the particular case in question, however, one people's right to self-determination must not be exercised to the detriment of the rights of other peoples in the region. The two inseparable and fundamental principles which governed France's policy with regard to any comprehensive peace settlement to be negotiated in the Middle East and which his country had set forth in the draft resolution it had submitted, jointly with Egypt, to the Security Council on 28 July 1982 were security for all States and justice for all peoples. There could be no just and lasting peace in the region unless account was taken of the right to existence and security of all States in the region, namely, Israel and the other States, as provided for in Security Council resolution 242 (1967) and of the legitimate national rights of the Palestinian people, including its right to self-determination, it being understood that the Palestinian people must, to that end, be represented in the negotiations and that the PLO would be involved in them.

37. With regard to Namibia, France continued to be seriously concerned at the fact that the Namibian people was still being prevented from exercising its right to self-determination. It hoped to see the speedy implementation of the plan set forth in Security Council resolution 435 (1978), as well as the organization of free elections under international supervision.

38. Mr. ZAWALONKA (Observer for Poland) said that the discussion of violations of human rights in the occupied Arab territories was an essential element in a wider debate on the situation in the Middle East. The Israeli occupation authorities continued to violate the human rights of the population of those territories in disregard of United Nations resolutions and of resolutions adopted by the Commission on Human Rights, which had, since its twenty-fourth session, been calling on Israel every year to end its odious practices.

39. It was not only Israel's policies and practices, but also the doctrine on which such policies and practices were based, that were matters of serious concern, as emphasized in the latest report to the General Assembly of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591, paragraphs 328, 338 and 339). Poland respected the internationally recognized principles of peace and justice and fully supported the just struggle of the Palestinian people for the exercise of its inalienable right to peace and independence. It once again condemned the aggression that Israel, with considerable support from certain Member States of the United Nations, continued to commit against the Arab countries, as well as the resulting violations of the human rights of the Arab peoples in the occupied territories. Israel's policy was making it impossible to find a just and lasting solution to the Middle East crisis - a solution that would also be in the vital interests of the Israeli nation itself. The first condition for such a settlement was the complete withdrawal of Israeli forces from all the occupied Arab territories, including Arab Jerusalem and Lebanon, and the

exercise by the Palestinian people of its inalienable rights. The only way of establishing a lasting peace in the Middle East was to seek a comprehensive, universal and realistic settlement with the participation of all the Arab States concerned and that of the Palestine Liberation Organization.

40. Mr. KAZEMI KAMYAB (Observer for the Islamic Republic of Iran) said that the right of peoples to self-determination and the right to employ armed struggle as a means of release from the ascending of an occupying power were embodied in the Charter of the United Nations, the International Covenants on Human Rights and the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. Cases of flagrant denials of those rights nevertheless continued to exist in various parts of the world. The plight of the Palestinian people was one of the greatest tragedies of the twentieth century. The illegal Zionist regime, supported by the imperialist powers, continued to inflict indescribable suffering on the population of the occupied territories.

41. Although the question of violations of human rights in those territories, including Palestine, had long been a priority item on the agendas of international bodies, including the Commission, nothing had actually been done to put an end to the increasingly inhumane acts being committed against the Arab population of Palestine and other occupied territories. The aim of the occupying forces, which had engaged in the practice of genocide, was to make the situation in Palestine so intolerable that the population, which was subjected on a daily basis to acts of oppression, injustice and arbitrary measures, would flee its land and leave it to the Zionist colonial regime. Even places of worship had been systematically desecrated by Zionist troops.

42. Such atrocities could never have been committed without the support given to that regime by the United States, which could be regarded as a close collaborator in all the crimes committed under the occupation.

43. Peace in the region could not be restored until the Palestinian problem had been recognized and the Arab population had recovered its legitimate rights on the basis of sovereignty and freedom. To that end, every effort should be made to remove the cause of aggression, namely, the presence of the Zionist occupier, and to enable Palestinians to return to their homeland. Verbal protests, criticism, friendly advice and discussion had all been a waste of time and the fundamental issue of whether or not the representatives of the Zionist regime could continue to take a place in international forums had not been settled.

44. The Lebanese people's armed resistance against the Zionist invader had proved more effective than all the international negotiations on the subject. It had served as an example and his delegation therefore fully supported the armed struggle of the Palestinian people against the violation of its fundamental rights. All Member States of the United Nations should realize that the collapse of the Palestinian cause would mean that the international community was powerless to stop the Zionist aggressor and its allies. No one could remain indifferent to the expansionist policies of that aggressor, which used every pretext - military, political and even so-called "humanitarian" - to expand its territory illegally at the expense of the rights of the oppressed Palestinian people. His country had faith in the victory of those fighting for a just cause in a spirit of sacrifice.

45. Mr. GREKOV (Observer for the Byelorussian Soviet Socialist Republic) said that the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591) clearly illustrated the systematic violations of human rights that were being committed in the Arab territories by the Israeli occupation authorities, which were intensifying their policy of repression and terror. During the years of occupation, the Israeli Government had adopted nearly a thousand acts and decrees to amend local laws with a view to the final annexation of those territories. Israeli legislation had also been extended to the Golan Heights and acts of aggression had been committed against Lebanon, in flagrant violation of all the norms of international law. Israeli acts of terror and genocide in the region had been condemned on numerous occasions by the United Nations and many other international bodies, which had declared that Israeli practices were a violation of the provisions of the Charter of the United Nations and of the principles prohibiting the illegal use of force. Even though Israel was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, it was systematically violating the rights of the population of the occupied Arab territories in contravention of all the provisions of international human rights instruments. Its monstrous crimes in Lebanon, the Beirut massacres, its acts of genocide in the camps at Sabra and Chatila and its occupation of Arab territories since 1967 left no doubt as to the Israeli Government's intentions. The civilian population was being persecuted and Palestinian prisoners were suffering acts of barbarism and torture, leading to an escalation of terror and violence in the occupied territories, where political, economic and cultural aggression was rife

46. The Security Council, the General Assembly and other United Nations bodies had repeatedly condemned the steps taken by Israel to change the geographical, legal and demographic nature of the region and had urged Israel to end its settlement policy. All resolutions and decisions adopted to that end had, however, remained a dead letter. It was obvious that Israel could never have pursued such a policy without the financial, military, political and diplomatic support of the imperialist powers, which were thus responsible for the disastrous situation prevailing in the region. His country strongly condemned the acts of aggression perpetrated in Lebanon and Palestine in total disregard of United Nations resolutions and in violation of the Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. It had consistently supported the struggle of the Arab people for a comprehensive solution to the Middle East problem - a solution which could be achieved only if Israel withdrew from the Arab territories it had occupied since 1967 and the Palestinian people was able to exercise its right to self-determination through the good offices of the PLO, its sole legitimate representative

47. Mr. AL-MASKERY (Observer for Oman) said that the question of the violation of human rights in the Israeli-occupied Arab territories, including Palestine, was of fundamental importance, since the situation in the region was becoming increasingly unstable, tension was mounting every day and the Israeli Government's intransigence was making the tragedy of the Palestinian people even worse. United Nations documents and the information which the United Nations received on the situation in the occupied Arab territories, including Palestine, were irrefutable proof of Israel's policy of expansion and annexation. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories described in detail the suffering and physical and mental

torture inflicted on the Palestinian people in violation of all the rules of international law. Oman commended the Chairman and members of the Special Committee and the International Commission of Jurists, which had described what was really happening to Arab detainees in Israeli-administered prisons.

48. By systematically obstructing efforts to establish peace in the region, Israel was undeniably responsible for maintaining the state of war. Oman fully supported the proposal for the convening of an international peace conference on the Middle East and considered that the international community should take every necessary measure to ensure that such a conference would lead to a political solution to the conflict - a solution that could be negotiated only with the participation of all the parties concerned.

49. The Commission on Human Rights now had a major responsibility with regard to the alarming situation of the population of the occupied Arab territories and it must become the spokesman of the international community for the restoration of peace and respect for human rights in the region. It must also firmly condemn the racist policies being applied in Namibia and South Africa. His country would give its full support to any resolutions adopted to that end by the international community.

50. Mrs. FERRIOL (Observer for Cuba) said that, although the item under consideration had been on the Commission's agenda for several years, the Israeli authorities were still violating the human rights of the population of the occupied territories, including Palestine, and applying their policy of annexation in violation of the provisions of the Geneva Conventions of 1949. Israel continued to apply measures that were obviously designed to bring about an illegal change in the legal status, geographical nature and demographic composition of the occupied Arab territories, as part of an increasingly aggressive policy towards the Arab population under occupation. Israel was plainly determined to trample United Nations General Assembly resolutions under foot and to refuse to withdraw its forces from the occupied Arab territories. It was thus violating the right of the Palestinian people to self-determination and maintaining its policy of repression in contempt for such fundamental freedoms as freedom of movement, education, religion and expression.

51. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591) gave a clear and objective description of the deterioration of the situation in those territories and, in particular, of the continued policy of annexation and the establishment of Jewish settlements. The Israeli Government had, moreover, refused to co-operate with the Special Committee or to allow it to enter the occupied territories. The Special Committee had nevertheless investigated the allegations that had been made, particularly with regard to the unlawful exploitation of resources in the occupied territories, the pillaging of archaeological and cultural property and the obstruction of freedom of worship. The repression affected the lives of the civilian population in every area, whether political, economic, social or cultural. The Zionist authorities continued to violate with impunity the most basic human rights and fundamental freedoms of the population of the occupied Arab territories, including Palestine, with the moral support and military and financial assistance of the imperialist forces. The alliance between South Africa and Israel also represented a serious threat to the international community and, in particular, to all peace-loving countries.

52. The question of Palestine was the core of the Middle East conflict and a just and genuine peace could be established in the region only if the Palestinian people could enjoy the full exercise of its inalienable rights, including the right to return to its homes and the land from which it had been driven, the right to self-determination and national independence and the right to establish its own sovereign State in Palestine. The future of the Palestinian people could be settled only through negotiation by all the parties concerned, including the Palestine Liberation Organization, which was the sole legitimate representative of the Palestinian people and which enjoyed the support of all progressive and peace-loving countries.

53. Mr. ALWUHAISHI (International Union of Students) said that, at a time when preparations were being made to celebrate the fortieth anniversary of the United Nations and the fortieth anniversary of the victory over fascism, there were still peoples, particularly the peoples of Palestine, South Africa and Namibia, who were under occupation and who were unable to exercise their right to self-determination.

54. Israel's aggressive policy against the Arab peoples, especially Arab students, had been condemned in such international forums as the Commission, but Israel continued to deny Palestinians the right to self-determination, to return to their homes and to establish an independent State under the leadership of the PLO. At its last session, the General Assembly had condemned Israel's expulsion of Palestinians and the Israeli authorities' attempts to change the demographic composition of the occupied areas by establishing settlements there. The International Union of Students was particularly concerned about the situation in places of detention and about the repression of Palestinian students and the closure of educational institutions.

55. By denying Palestinians - as, in another part of the world, Nicaraguans were being denied - the right to self-determination in defiance of United Nations resolutions, Israel was threatening world peace and contributing to the arms race, which endangered the future of mankind. With a view to remedying that situation, the International Union of Students supported the call for an international peace conference on the Middle East and hoped such a conference would take place as soon as possible and that the PLO, the sole legitimate representative of the Palestinian people, would participate on an equal footing with all the other parties concerned. On behalf of millions of students, the International Union of Students urged the Commission to continue its efforts to promote the right to self-determination of peoples, whether in Palestine, Namibia or Nicaragua, and to put an end to interference by imperialist regimes.

56. Mr. RAMLAWI (Observer for the Palestine Liberation Organization), drawing the Commission's attention to incidents that had occurred in the Palestinian refugee camp at Duhaisheh on the West Bank, said that, in the past several days, the Israeli occupation authorities had been imposing a curfew in the camp. They had arrested many people living there, particularly young men, and had forced others to leave their dwellings. The inhabitants of the camp had written to the Secretary-General of the United Nations asking him to send a mission to investigate the practices of the Israeli authorities. He himself requested the Chairman of the Commission to intercede with the Secretary-General so that such an inquiry would actually be conducted in order to prevent the situation in the Duhaisheh camp from resulting in criminal acts such as those committed by the Israeli forces in the camps at Sabra and Chatila.

57. The right of the Palestinian people to which agenda item 9 related was being violated by the Israeli colonialists and Zionists in a manner which was an obstacle to the restoration of peace in the Middle East. The United Nations had, however, recognized the rights of the Palestinians ever since it had taken a stand in favour of the establishment of a Palestinian Arab State. Those rights had since been reaffirmed in many resolutions, including resolution 2535 B (XXIV), adopted on 10 December 1969, in which the General Assembly had recognized that "the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights".

58. The Palestine Liberation Organization was recognized by the United Nations as the sole legitimate representative of the Palestinian people. At its twenty-ninth session, the General Assembly, in resolution 3236 (XXIX) of 22 November 1974, had requested the Secretary-General to "establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine". The PLO's role had since been generally recognized, even by States that had recognized Israel following its creation. In resolution 37/86 D of 10 December 1982, the General Assembly had reiterated its request that the Security Council should take the necessary measures to implement the plan which, inter alia, recommended that an independent Arab State should come into existence in Palestine.

59. Unfortunately, there had still been no progress towards a settlement of the Palestinian question. The reason was Israel's attitude and, in particular, its defiance of the wishes of the international community. The United States position, which was based on that country's imperialist strategy of using Israel to extend its influence in the region, was a further obstacle to any progress.

60. The International Conference on the Question of Palestine, held in Geneva in 1983, had brought together 137 States and many non-governmental organizations. That Conference had reaffirmed the right of the Palestinians to establish an independent State without any foreign interference and had requested that a further conference should be convened to seek a solution to the question on the basis of United Nations resolutions, with the participation of the United States of America and the Soviet Union and also of the PLO on an equal footing with the other parties. At its thirty-eighth session, the General Assembly had endorsed the Declaration adopted by the Conference held in Geneva.

61. The Palestinian people was continuing its struggle to secure recognition for its national rights in accordance with Articles 1, 55 and 56 of the Charter, but it was beset by the intransigence of Israel, which persisted in undermining the efforts of the international community and discrediting the United Nations. Instead of heeding United Nations resolutions, Israel was intensifying its repression by committing more crimes, confiscating more land, carrying out more arbitrary arrests, sabotaging the economy of the occupied territories and applying police and racist laws in those territories. Israel was supported in those practices by the United States of America, which was using it to impose a philosophy that placed mankind under the threat of a destructive war.

62. He thanked the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its latest report (A/39/591) and for all the efforts it had been making. He reaffirmed the confidence of the Palestinian people and the PLO in the Commission and the international community, as well as the Palestinian people's firm determination to secure recognition for its right to self-determination and its right to establish an independent State with the support of all peace-loving and justice-loving forces throughout the world.

63. Mr. MTANGO (Observer for the United Republic of Tanzania) said there was no doubt that Israel, which ignored the appeals of the vast majority of States and of world public opinion, continued to violate the inalienable rights of the Palestinian people. His delegation declared its support for all the victims of the gross violations of human rights which Israel was committing as the occupying power.

64. Israel must withdraw from all the occupied territories in the West Bank, Gaza, the Golan Heights and Lebanon to demonstrate at last that it was sensitive to world public opinion and willing to live in peace with its neighbours. Although Tanzania certainly had no way of influencing Israel or the States which assisted it, its respect for the fundamental principles of human rights compelled it to continue to declare that Israel's actions against the peoples of the occupied Arab territories could not be justified under any circumstances whatever. It called upon Israel to enter into negotiations with the PLO and other interested parties as soon as possible in order to achieve a lasting peace in the Middle East. It further called upon the major Powers to exert their influence on Israel with a view to inducing it to abandon its defiant attitude. The time had come for the Commission to take a bold initiative on that important question. Under its Chairman's leadership, it should certainly be able to adopt such an initiative, with, it was to be hoped, the support of all its members.

65. Mr. CHERNICHENKO (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said it was regrettable that the representative of France had adopted an attitude towards his country which jeopardized the spirit of constructive co-operation in the Commission. The representative of France had cast doubt on the Soviet Union's respect for the right of peoples to self-determination, whereas France itself maintained a questionable attitude in that regard, as demonstrated by the repression it practised in New Caledonia and its armed intervention in Chad.

66. The CHAIRMAN announced that statements on agenda items 4 and 9 had been concluded. Any other delegations wishing to speak in exercise of the right of reply could do so at the following meeting.

The meeting rose at 6.25 p.m.