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COMMISSION ON HUMAN RIGHTS
Thirty-eighth session
SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 February 1982, at 4.30 p.m.

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

Status of documentation

Question of the violation of human rights in the occupied Arab territories,
including Palestine

The right of peoples to self-determination and its application to peoples
under colonial or alien domination or foreign occupation

Expression of sympathy in connection with the death of the Permanent
Representative of Italy

*/ No summary record was issued for the 4th meeting.

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The meeting was called to order at 4.55 p.m.

STATUS OF DOCUMENTATION

1. At the request of the representative of Brazil, Mr. PACE (Secretary of the Commission) made a statement on the availability in the various working languages of documents relating to all the agenda items.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1481, E/CN.4/1482, E/CN.4/1483 and Add.1; A/36/506-S/14762)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1477 and Add.1, E/CN.4/1487, E/CN.4/1490, (E/CN.4/1491, E/CN.4/1493; E/CN.4/1982/3, E/CN.4/1982/6)

2. The CHAIRMAN announced that agenda items 4 and 9 would be considered together.

3. Mr. van BOVEN (Director, Division of Human Rights), introducing the two items, referred at length to the relevant resolutions of the Commission and other United Nations bodies cited in the annotations to the provisional agenda (E/CN.4/1480/Add.1). With regard to Security Council resolution 497 (1981) relating to the occupied Syrian Golan Heights, he reminded the Commission that the General Assembly was meeting in special session to consider the question. Turning to item 9, he referred to the annotations in document E/CN.4/1480/Add.1 listing the resolutions concerning the issues covered by that item.

4. Mr. MANSOUR (Observer for the Palestine Liberation Organization) said that the Palestinian people, deprived of their most elementary rights, both collectively and individually, had an obvious interest in the establishment of the rule of law and justice in international relations. Within the United Nations, considerable progress had been made towards such a new world order, largely through the increasing participation of the third world members, which gave its consensus declarations a universal validity. But there was a widening gulf between the increasingly detailed resolutions on human rights that were being adopted and the practice of certain States. The Commission, in particular, was faced with the challenge of making its basic resolutions operational in order to preserve the credibility of the United Nations and the confidence of the Palestinian people in international forums. The challenge came from those - in particular, the rulers of Israel and their supporters - who took advantage of the apparent impotence of the international community, in order to disregard its expressions of condemnation. Indeed, Israeli contempt for human rights had assumed alarming proportions over the previous year, as shown by the examples cited in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/36/579) and the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/36/35). The worst aspect, which boded ill for the future, was the systematic use of repression as an instrument to bring about a radical change in the Arab character of the occupied territories.

5. The aim of the Zionists, whether by military conquest or the use of paramilitary bodies such as the Nahal, was to absorb Palestine and other Arab territories completely. Sometimes settlements were established by force of arms; sometimes the Palestinian population was simply expelled. Israeli violations of human rights should therefore be viewed in the wider perspective of Zionist aims and the utter negation of the Palestine people.

6. Ironically, that policy had recently been complemented under cover of what had been termed a "peace process". In fact, well before the Camp David accords, the Arab States as a whole had issued a warning against not only the defects inherent in that process but also its adverse effects on the rights of Palestinian and other Arab peoples. A neutral Sinai front left Israel free to act elsewhere; and the acts perpetrated in the occupied territories, the destruction of the nuclear reactor in Baghdad, repeated aggression against the Lebanese and Palestinian peoples in Lebanon, and the annexation of the Golan Heights had confirmed the worst fears. Israel could well uproot 12,000 Palestinians in the near future under the pretext of frontier delimitation between Egypt and Israeli occupation forces at Rafah. Camp David had provided the impetus for warfare and human rights violations, and the Special Committee should keep a close eye on events during the weeks ahead.
7. Israel could not carry out such policies without active United States support. Indeed, the United States had recently signed a strategic co-operation agreement with Israel. Those who said that sanctions or formal opposition would force Israel into greater extremism should recall that, as history had shown, appeasement made matters worse; the Munich agreement, for example, had led only to further aggression. Israel's Minister of Defence had stated, according to an article in Maariv dated 18 December 1981, that Israel's strategic interests should encompass two areas, one encircling the Arab countries and the other extending to Turkey, Iran, Pakistan, the Persian Gulf and the States of north and central Africa. That a small State like Israel, whose violations of the principles of law had repeatedly been condemned by the international community, could conceive such huge military and political designs was due to the military and moral support it received from the United States and the policy of appeasement adopted by some European countries.
8. The Palestinians' homeland was being not only despoiled but used as a springboard for assaults on the independence of Arab and other peoples elsewhere in the region. The Palestinian people's rights had been repeatedly upheld in United Nations resolutions. The struggle to defend those rights was at one with the anti-colonial struggle being waged by the peoples of southern Africa, with whom the Palestinians were proud to be associated.
9. It was up to the international community to help avert the threats he had referred to; and it was up to certain Member States to demonstrate that military might was not the sole determining factor in international relations. Otherwise, the Palestinian and other Arab peoples, and peoples elsewhere in the third world, would be forced to conclude that they could recover their rights only by developing their own potential, whatever the cost. But while pursuing its struggle, his organization would continue to appeal to the international community.
10. Mr. DAUDY (Syrian Arab Republic) congratulated Mr. Pérez de Cuellar on his appointment as Secretary-General of the United Nations, and paid tribute to the service rendered by Mr. Waldheim in that post.
11. The situation in the Israeli-occupied territories was growing worse. The occupation of the Syrian Golan Heights, in flagrant violation of the Charter, was the latest in a series of measures taken in defiance of the international community. As noted by the Special Committee in paragraph 401 of its report (A/36/579), the civilian population of the occupied territories were denied even their most basic rights. Israel's actions had been condemned many times by the Commission, the Security Council and the General Assembly, as well as by specialized agencies and independent bodies concerned with human rights. The condemnations of Israel for violating human rights

in the occupied Arab territories, refusing to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War, committing war crimes in those territories, carrying out large-scale arrests and deportations, destroying homes, pillaging archaeological sites, illegally exploiting natural resources - all those condemnations showed how utterly Israel had isolated itself from the international community.

12. In December 1981 the Knesset had voted to subject an entire region to Israeli law and jurisdiction. However, the inhabitants of the Syrian Golan Heights had refused to exchange their Syrian identity cards. The Zionist authorities, not content with turning more than 200,000 Syrian citizens into refugees, had cynically declared the region to be Israeli territory.

13. The comparison of the fate of the Palestinian people at the hands of the Zionist authorities with that of the Czech people in the Sudeten region annexed by Hitler before the Second World War was very relevant. In both cases annexation had been justified by alleged security needs and spurious ethnic and historical grounds.

14. Although the Security Council had adopted a resolution on 17 December 1981 declaring the Israeli annexation of the Golan Heights null and void, the demand for sanctions had been blocked by the United States veto, which only served to encourage such aggression. Israeli aggression supported by the United States constituted a grave danger, not only for Syria but also for international peace, and it was to be feared that Israeli-United States collusion would constitute a dangerous precedent threatening the independence and territorial integrity of other countries. It was even more ironic to hear the very countries that connived at Israeli aggression speak of the need to respect human rights and the principles of the United Nations Charter. Israel, through its repeated violations of the Charter and the Universal Declaration of Human Rights, had furnished ample proof that it did not deserve to remain a Member of the United Nations and it would be in the interests of the international community to expel it. Israel's defiant behaviour, supported by the United States, undermined the authority and very existence of the United Nations, which must defend the hopes that the peoples of the world had placed in it.

15. How was a small country like Israel able to maintain a policy of aggression, expulsion and demolition, and to flout international law and authority? It was perhaps because various Western countries felt guilty about the enormous suffering inflicted on the Jewish people during the Second World War. That suffering was undeniable and yet it was unjust to make the Palestinian people pay for the crimes of European anti-semitism. Why had the British Government decided to issue the Balfour Declaration of 1917, which promised a land that did not belong to it to people who had never been in Palestine? That Declaration had led to an anti-Palestinian and anti-Arab war which had begun when British troops had entered Palestine and continued to the present day, now with United States support. It could even be said that the entire world was paying the price for unconditional support by the United States for Israel. Not only was the moribund Israeli economy being propped up by billions of dollars in investments but Israel had been transformed into an advance United States base in the Middle East. The Palestinian people, in its struggle to regain its rights to dignity and self-determination, was confronted not only with the fanaticism of Begin and company, but also with the strength of the United States, which blocked the road to freedom and armed the Israeli executioners.

16. The United Nations had furnished irrefutable proof of the fact that Israel systematically violated human rights in the occupied territories, and yet the United States continued to deny that fact. Did not the Palestinian people have the same right as all other peoples to live in its homeland and be independent? The standard Israeli reply, endorsed by the United States, was: the Palestinian people did not exist. It was ironic, although perhaps not surprising, that the former leaders of Jewish terrorist organizations under the British mandate were now the leaders of the Israeli Government and sought to brand the Palestine Liberation Organization as an organization of murderers and terrorists. Those same Israeli leaders were now sowing death and desolation in Palestine refugee camps in southern Lebanon and even in the heart of Beirut.

17. He did not wish to imply that all Jews in Israel and elsewhere supported the human rights violations committed against the Arab minority in Israel and the occupied territories. Courageous men such as Professor Moshe Menuhin, Professor Ishak Shahag and a number of lawyers had spoken out against the Israeli treatment of Arabs in the occupied territories and the annexation of the Golan Heights, and had tried to provide legal defence for Palestinian detainees. Unfortunately, those few courageous voices were lost amid the mass of systematic violations of human rights and militarist ambitions of the Israeli Government.

18. The Middle East was unfortunately an area coveted by the United States imperialists for its natural resources and its strategic position. When Arab delegates had sought to convince others in the 1950s and 1960s that Israel was not simply a small enclave of refugees from the Nazi extermination camps but an advanced base of United States imperialism, no one had believed them. Now, however, after the many wars of aggression launched by Israel with United States support, the true nature of that State was clear to everyone. There could be no valid excuse for United States support of the Israeli aggressor or for its efforts to prevent the international community from demanding the application of the measures provided for under the United Nations Charter. What was the purpose of the Charter, international law and the entire structure created since the Second World War if it was not to prevent the repetition of the aggression launched by the Axis powers in defiance of the League of Nations in the 1930s?

19. The Israeli message to the peoples of the Middle East was that they must choose between servitude or destruction. A tragic testimony to that choice could be seen in the brutal annihilation of the entire town of Kuneitra during the Israeli withdrawal in October 1973. Israel and its friends rewarded those who supported them but pitilessly attacked anyone who showed an independent or critical stance vis-à-vis the Zionists. That could be seen in the fate of former ambassador Andrew Young, who had been dismissed from his post as Permanent Representative of the United States to the United Nations because he had dared to meet a representative of the Palestine Liberation Organization during a dinner at the home of an Arab ambassador. How could one United States administration after another continue to justify its support for Israel, thus encouraging Israeli aggression? How could the United States continue to oppose the Palestinian people in its efforts to enjoy, like all peoples of the earth, freedom and independence, so greatly merited after its heroic sacrifices?

20. The international community must put an end to Israeli defiance and take measures to force Israel to nullify its annexation of the Golan Heights. Everything must be done to ensure respect for human rights in the occupied Arab territories. The Arabs had repeatedly testified to their willingness to work for

a just and lasting peace in the Middle East in accordance with the guidelines laid down by the United Nations, namely, evacuation by Israel of all the territories it occupied, including Jerusalem and the Golan Heights, and recognition of the right of the Palestinian people to self-determination and to establish its own independent State in Palestine under the leadership of the Palestine Liberation Organization.

21. Mr. ZAWALONKA (Poland) said that the dangerous trend in the development of the situation in the Middle East had grave implications for international peace and security. The aggressive acts of Israel included, inter alia, brutal interference in the internal affairs of Lebanon, attacks against its population and provocations against Syria, in particular the recent measures taken by the Israeli authorities aimed at altering the character and status of the Syrian Golan Heights. Poland strongly condemned all forms of Israeli aggression against the Arab countries. Israel's adventurist policy had made it impossible to find a lasting and just solution to the Middle East crisis.

22. All the peace efforts made since the 1973 war had been of no avail, owing to the total negation and neglect of the problem that lay at the heart of the Middle East conflict. The first condition for peace was the complete withdrawal of Israeli forces from all the occupied Arab territories, including Arab Jerusalem; the second was the achievement of a just solution of the problem of Palestine through the realization of the inalienable rights of the Palestinian people. Lasting peace in the region required a comprehensive, universal and realistic settlement worked out through negotiations with all interested Arab States and the Palestine Liberation Organization.

23. Mr. SKALLI (Morocco) said the tense situation in the Middle East continued to constitute a dangerous threat to international peace and security. The denial of the Palestinian people's right to self-determination and independence, the continued occupation of Arab lands, the constant repression against Arab peoples and repeated acts of aggression against States in the region were all part of a policy pursued by the Zionist entity in flagrant disregard of justice, morality and law. The situation had further deteriorated since the decision by Israel to annex the Golan Heights, an action which clearly showed the expansionist nature of the Zionist entity.

24. To carry out the Zionist project of "Greater Israel", the Israeli Government violated all rules of international law if they constituted an obstacle to its plans. The annexation of the Golan Heights constituted a flagrant act of aggression against a sovereign State and a challenge to the international community as a whole. It violated the system on which international relations was based, in particular the rules prohibiting the acquisition of land by force. As soon as the Israeli decision had been announced, his country had strongly condemned it and stated that it constituted further proof of Israel's refusal to seek a just peace in the region and of its expansionist designs on the Arab nation.

25. In its resolution adopted unanimously on 17 December 1981, the Security Council had decided that the decision by Israel to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect, and it had demanded that Israel should rescind its decision. As usual, the Israeli Government refused to comply with the Security Council resolution. It was therefore essential for the international community to assume its responsibility by proceeding beyond the stage of verbal condemnation and deciding to impose sanctions on Israel. Only such sanctions would induce the Zionist authorities to modify their position. Indeed, experience had shown that those authorities took little notice of condemnations and continued to apply their expansionist policy to the detriment of the sovereign States of the region.

26. It was quite clear that, unless practical measures were taken, the policy of establishing settlements would continue and even be extended to the West Bank and Gaza. The Zionist leaders did not conceal their intentions in that regard, as had been made clear by the Israeli Prime Minister in presenting his programme to the Knesset.

27. For more than 34 years, the people of Palestine had been deprived of its fundamental rights. Every year, on the occasion of the consideration of the present item, the Israeli authorities adopted an increasingly intransigent attitude. Yet the international community unanimously recognized that the basis for the establishment of genuine peace in the Middle East was the recognition of the legitimate rights of the Palestinian people. However, the policy pursued by the Israeli Government, which consisted of the systematic colonization of Arab territories and the constant use of repressive measures, clearly demonstrated that Government's position. During the past year, new settlements had been set up and existing ones had been expanded. According to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, during the period 21 July 1980 to 31 August 1981, some 40 settlements had been established, inaugurated or been in the process of establishment. It should also be noted that since the occupation of Jerusalem in 1967 over 86,000 Jews had settled there. That policy was in flagrant contradiction with the provisions of the Fourth Geneva Convention of 1949, in particular article 49, which expressly prohibited the transfer of parts of the population of the occupying Power into the territory which that Power controlled.

28. Referring to the humiliating and violent conditions in which the settlements were established he said that private armed militias, acting in connivance with the Israeli authorities, terrorized the Arab populations and drove them from their lands. Groups such as "Gush Emunim" and "Kach" had become notorious for that type of operation. Israel, a "South Africa of the Middle East", deserved the friendship, support and solidarity of its counterpart in Africa since they both pursued the same goal by practising the same policy.

29. Repression by the Israeli authorities in the occupied territories took the form of the dynamiting of homes and curfews, which sometimes lasted for several days and provided the Israeli army with an opportunity to carry out all sorts of illegal acts against the Arab populations. Educational institutions had not been spared by the repression, and several schools and universities had been closed during the past year. Moreover, severe restrictions had been imposed on freedom of movement, affecting all persons in the occupied territories. However, those despicable practices were of no avail against the determination of the heroic people of Palestine to intensify its fight to put an end to injustice and recover its full rights.

30. The situation of Arab detainees gave cause for serious concern. According to the report of the Special Committee, 200,000 persons had been imprisoned for political reasons since the beginning of the occupation, i.e. nearly 20 per cent of the total population of the Arab territories. Evidence from various sources testified to the fact that the detainees were subjected to cruel and inhuman treatment. In a statement published in the newspaper Jerusalem Post on 31 May 1981, the former Director of the Prison Administration had said that his successor would have to work in impossible conditions because of the Israeli Government's complete lack of interest in the matter of prisons.

31. Despite the condemnation by the international community of its annexation of Jerusalem, the Israeli Government continued to defy the feelings of hundreds of millions of Moslems by pursuing its policy of Judaization of the Holy City. The Holy Places of Islam were particularly affected by that policy and, under the pretext of searching for an illusory past, excavations were continuing under Al Haram El Sherif, which was threatened with collapse. The measures taken to alter the character of the Holy City had inevitably given rise to great concern among the Moslem community of the entire world. The Islamic conference had reacted against those measures by establishing a special committee to defend the spiritual City of the three monotheistic religions and had entrusted the chairmanship of the committee to King Hassan II. Under the King's leadership, the committee had already carried out several information campaigns and made contacts which had alerted world public opinion to the real danger which Israeli policy vis-à-vis Jerusalem and the occupied Arab territories constituted for the holy places and for peace.

32. In the past year, there had been certain developments which might prove decisive for the question of Palestine and the crisis in the Middle East. The Saudi Arabian initiative was an essential element in those developments and demonstrated the will of the Arab countries to spare no effort to achieve peace in the Middle East. The Saudi Arabian plan was to have been examined at the twelfth Summit Conference of Arab Chiefs of States, held in Morocco in November 1981, but in view of its importance and possible repercussions, it had been decided to postpone substantive consideration until the second phase of the Conference. The plan had the merit of offering an overall approach to the problem of the Middle East, unlike previous initiatives, in particular the separate Camp David accords.

33. Experience had shown that those accords could not constitute a basis for a global settlement since they ignored an essential element in the conflict, namely, the Palestinian people and its fundamental rights. The formula of administrative self-government provided for by the accords, was in reality only a means of enabling Israel to perpetuate its occupation of the Arab territories. It could not be otherwise in view of the frequent statements made by the current Israeli leaders that self-government applied only to persons and not to the territory and that in no case could it result in the establishment of a Palestinian State.

34. Israel lived only through tension. A series of large-scale acts of aggression had been committed by the Israeli Government in 1981 against the Arab population and civilian targets. In that connection, he referred to the raids against Palestinian refugee camps, which had resulted in the deaths of elderly persons, women and children, and given rise to indignation and condemnation by the entire international community. Under the pretext of security, the Israeli Government had committed other acts of aggression, such as the attack against the Iraqi nuclear research centre at Tamuz. That criminal act demonstrated the efforts being made by Israel to prevent a State from exercising its sovereign right to acquire and develop nuclear technology for peaceful purposes. Moreover, Israel continued to violate the air space of neighbouring States. Thus, while the Arabs were seeking ways to bring about peace, the Zionist State was waging an all-out war against the Arab States. That showed clearly that the current leaders of Israel did not desire peace and were not seeking ways to achieve it. On the contrary, they were increasing the number of acts of aggression and violence and creating dangerous risks for international peace and security.

35. During the Second World War, millions of Jews had suffered under nazism and many had lost their lives, a fact which his Government sincerely deplored. Many of those who had miraculously escaped from that massacre had drawn the necessary conclusions and adopted an attitude of open-mindedness, tolerance and devotion to human rights and freedoms.

36. Morocco was proud to have always regarded the Jewish community as an integral part of its people. During the Second World War, while his country had still been a French protectorate, a Hitlerite commission at Rabat had sought to attack persons of Jewish faith in Morocco. However, King Mohammad V had firmly opposed such action and had told the members of the commission that in Morocco there were not two categories of citizens but only Moroccans and that they were all entitled to his protection. He had gone on to say that if any Moroccans of the Jewish faith were molested, he would no longer be responsible for peace in the country. In view of that unshakeable attitude, the commission had relented and Moroccan Jews had not had to suffer from nazism.

37. In the Arab world, Jews and Arabs had lived together in peace for centuries, with respect for the faith, customs and traditions of each of the two communities. The cause of the dramatic situation currently facing the world was international zionism, which had adulterated the relationship existing between Arabs and Jews. The Arabs were defending their independence, territorial integrity, right to development and freedom. Zionism constituted a danger not only for the Arabs but also for other peoples and for the Jews themselves who wished to live in peace and harmony with their Arab cousins.

38. The Arab peoples had a duty to pool their resources in order to thwart the designs of a warlike entity whose only objective was to expand at their expense and which continued, despite the condemnation of the entire international community, to reject all efforts to achieve a just, global and political solution to the serious problems it had itself created in the region. In so doing, the Arab peoples were merely defending their values and their rights, since Israel left them no other choice.

39. The peace which his country and other Arab States sincerely wished and for which they worked constantly was one which would be just and durable and would encompass all the parties concerned. That peace should be based on the following principles which had been repeatedly affirmed by the international community: evacuation of all the occupied Arab territories, including the Holy City of Jerusalem; recovery of the national rights of the Palestinian people to self-determination and the establishment of an independent Palestinian state on its national territory under the leadership of the PLO, the sole legitimate representative of the Palestinian people; and rejection of any unilateral solution to the Palestinian problem in particular, and the Arab-Zionist conflict in general.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE DEATH OF THE
PERMANENT REPRESENTATIVE OF ITALY

40. The CHAIRMAN, speaking on behalf of the Commission, expressed sympathy in connection with the death of Mr. Cordero di Montezemolo, Permanent Representative of Italy to the United Nations Office at Geneva.

41. Mr. BETTINI (Italy) thanked the Commission for its expression of sympathy, which he would not fail to convey to the family of Mr. Cordero di Montezemolo and his Government.

The meeting rose at 7.15 p.m.