

SUMMARY RECORD OF THE ONE THOUSAND AND SEVENTY-NINTH MEETING

Held on Thursday, 19 March 1970, at 3.40 p.m.

Chairman:

Princess Ashraf PAHLAVI

Iran

QUESTION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST, INCLUDING THE REPORT OF THE SPECIAL WORKING GROUP OF EXPERTS (COMMISSION RESOLUTION 6 (XXV)) (agenda item 5) (E/CN.4/1015 and Add.1-5) (continued).

Mr. GHORRA (Lebanon) commended the members of the Special Working Group of Experts on the able manner in which they had accomplished their mission and on their excellent report, which provided a grim picture of the situation prevailing in the Arab territories occupied by Israel. There were some deficiencies in that report but they resulted solely from Israel's refusal to co-operate with the members of the Group and to allow them to carry out their investigation in the occupied territories themselves. Israel's unco-operative attitude had been demonstrated further at the previous meeting when the representative of Israel, at the end of a long statement, had announced that his delegation would not participate any further in the discussion on the item under consideration, thereby arrogating to the delegation of Israel the right to be heard while denying that right to others.

The violations of human rights in the occupied territories following Israel's aggression against Jordan, Syria and the United Arab Republic in June 1967 had aroused universal concern. In violation of the United Nations Charter, the Universal Declaration of Human Rights, the Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War, and the elementary principles of international law and morality, the Israeli authorities had resorted to inhuman and illegal acts against the Arab population of the occupied territories. The United Nations had repeatedly condemned Israel's aggressive acts and violations of human rights but Israel had systematically refused to comply with United Nations resolutions and had indicated that it could not rely on anything but its own military power. Israel appeared to have a different concept of international law from that held by other countries. Such an attitude represented a serious challenge to the authority of the United Nations.

Serious violations of human rights were as much a threat to peace and security as acts of aggression and those responsible for such violations should be exposed and condemned. Many resolutions adopted by the Security Council, the General Assembly, the Commission on Human Rights and the Economic and Social Council, as well as resolution I of the International Conference on Human Rights, had reaffirmed the inalienable rights of the people of Palestine and the need to

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protect the civilian population in the occupied territories from violations of their human rights. They had condemned Israel's policies and practices in those territories, called upon Israel to refrain from acts which violated human rights and fundamental freedoms and to allow displaced persons to return to their homes. Finally, they had provided for the appointment of a Special Representative of the Secretary-General and the establishment of the Special Working Group of Experts to investigate Israel's violations of human rights and of the Geneva Conventions of 1949. Israel had refused to comply with those resolutions, including Security Council resolution 242 (1967), which had been adopted unanimously, on the pretext that they did not reflect the opinion of the majority of Members of the United Nations.

Israel had also sought to justify its refusal to co-operate with the Special Working Group of Experts by arguing that the terms of reference of the Group did not include a mandate to investigate the conditions of Jews in Arab countries. The reason why such a mandate had not been given to the Group was that all other delegations rightly agreed that Jews in Arab countries were nationals of those countries and that any investigation of their situation would constitute interference in matters within the domestic jurisdiction of the States concerned and an infringement of their sovereign rights. Israel, invoking its own concept of international law, had sought unilaterally to extend the mandate of the Special Group of Experts. It had attempted to act in a similar manner on other occasions, as, for instance, when the Secretary-General, pursuant to Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V), had sent a Special Representative to the Middle East to report on humanitarian problems in the territories where military operations had taken place. The Secretary-General had reviewed that question in his note S/3699. In the brief legal analysis attached to his letter of 15 July 1963 to the Permanent Representative of Israel (S/3699, paragraph 10), the Secretary-General had pointed out that whereas operative paragraph 1 of Security Council resolution 237 (1967) applied without question to the area occupied by Israel since June 1967 it did not, if strictly interpreted, apply to Arabs in, for example, Nazareth or Haifa, or to Jewish persons in Arab States. In the same document (paragraph 17), in reply to Israel's complaint about discrimination, the Secretary-General had pointed out that there

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was an unavoidable limitation with regard to the scope of the mission's activities resulting from the provisions of the two resolutions on which it was based and that the term "discrimination" was too often used loosely.

The Israeli-Zionist propaganda machine attempted to establish Israel as the legal - if not the physical - home of all Jews. Many Jews both in the Soviet Union and in the United States, however, rejected that assertion and felt that Zionist politicians did not speak for the Jewish people.

Despite Israel's attempts to suppress the truth concerning violations of international law committed by its armed forces in the occupied territories, the Special Working Group of Experts had been able to collect sufficient evidence to substantiate the charges which had led to the adoption of the Commission's resolution 6 (XXV). Referring to the conclusions and recommendations of the Special Working Group of Experts (E/CN.4/1016/Add.2), he drew particular attention to sub-paragraph (d) (i) and sub-paragraph (j) of the conclusions and the corresponding recommendations in paragraphs 4 and 3, to sub-paragraph (l) of the conclusions and the corresponding recommendation in paragraph 6, to sub-paragraph (h) of the conclusions and the corresponding recommendation in paragraph 9, to sub-paragraph (m) of the conclusions (in connexion with which he also drew attention to Security Council resolution 267 (1969) concerning the status of the City of Jerusalem), and to the recommendation in paragraph 10. Those were but a few examples of acts committed in contravention of the Geneva Conventions which demonstrated Israel's disregard for international law relating to human rights and fundamental freedoms. The report contained sufficient evidence to justify continued vigilance by the Commission in matters pertaining to the safety and well-being of the Arab people in the occupied territories.

Although it might be argued that the Special Working Group of Experts had been unable to evaluate the facts on the spot, it should be remembered that when the Arab States, which had proved their goodwill towards the United Nations by their full co-operation with the Group, had requested an investigation by the Commission, they had been certain of their facts, whereas Israel's refusal to co-operate reflected its sense of guilt. Furthermore, in addition to the report of the Special Working Group of Experts, abundant material was available from journalists, writers, television commentators and other neutral observers who had visited Israel

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and the occupied territories. Such material could be found, for instance, in the well-substantiated documents published by Jacques M. Verges under the title Pour les Fidayine (Les Editions de Minuit) and in a book entitled Palestine and Israel by the Swedish writer Steffan Beckman (an extract was reproduced in annex IV to the report of the Special Working Group of Experts (E/CN.4/1016/Add.4)). An Israeli publication, issue dated 14 February 1970 contained a letter written by an Israeli lawyer, Felicia Langer (who was also mentioned in Steffan Beckman's book), addressed to the son of one of her clients, a Mr. El-Ashhab, describing the tortures inflicted on his father in prison, and the French newspaper Le Figaro of 3 February 1970 also contained a report referring to the sufferings and torture inflicted on two Arab prisoners.

Many humane and liberal Jews both inside and outside Israel were shocked at the behaviour of the military forces in the occupied territories and realized that it jeopardized the chances of a peaceful settlement. In a message to an international conference held recently in Cairo and attended by parliamentarians from fifty countries, Mr. Moshe Menuhin, father of the well-known violinist, had called upon the Israeli authorities to withdraw their forces immediately from the Arab territories they occupied, as a prerequisite for peace. The late Bertrand Russell had also sent a message to that conference stating that Israel's actions could not be condoned and that it was gross hypocrisy to invoke the past sufferings of the Jews to justify them.

In January 1968, Mr. Michael Adams, a British correspondent for the Guardian, reporting on a visit to Israel and the occupied territories, had said that the Israelis were treating the Arabs of the Gaza Strip more harshly than the Germans had treated him as a prisoner of war.

In March 1968, the French newspaper Le Monde had reported that about a hundred Israeli intellectuals, novelists, composers, performers, lawyers and doctors had published a statement protesting against the violation of human rights in Israel and the occupied territories.

In October 1969, Mr. E.C. Hodgkin, the foreign editor of the London Times, had reported on the severe repressive measures applied against the Arab population by the Israeli occupiers. He had observed that on the whole, the Arabs in the occupied territories were probably the most adaptable, intelligent and moderate

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of their race, anxious only to live and prosper in the land which had so long been their home. It was a tragedy that they were now being persecuted into a new diaspora by the armies and people of Israel. He had expressed surprise at the intensity with which the Israelis were hated everywhere by all sections of the population.

The New York Times, which was not pro-Arab, had reported in November 1969 that Defence Minister Moshe Dayan had stated that neighbourhood or area punishment was being applied to Arabs not directly involved in nearby acts of terrorism. His policy was aimed at making life unbearable for the Arabs. They would be allowed three choices: to fight the terrorists themselves, to denounce them, or to suffer. The Israelis were asking the Arabs to fight their own people or to betray them; should they choose not to do either, they would still have to suffer. That was the nazi logic for collective punishment. That kind of logic was abhorrent to the conscience of peoples everywhere and the purpose of the Geneva Convention was to combat it. However, the Israeli military authorities evidently did not care about such a Convention.

He did not wish to go on indefinitely quoting from books and newspapers. His delegation had merely attempted to supplement the report of the Special Working Group of Experts with some evidence brought out from Israel by eye-witnesses. Against that background of Israeli oppression and tyranny, the Arabs were requested by Israel to behave, to co-operate and be peaceful. The Israelis had been cynically and hypocritically trying to convince the world that they were for peace. They had been extending their kind of peace to a hitherto peaceful country, Lebanon, to its international airport, to its southern regions, but the Israeli peace was a peace at gunpoint which resulted in murder, destruction and terror.

In a long series of letters to the President of the Security Council and the Secretary-General, he had brought to their attention the wanton Israeli attacks against Lebanese towns and villages, the toll of victims and the damages they had suffered. From the beginning of 1969 until 17 March 1970, sixteen Lebanese civilians had been killed, thirty-nine wounded, and forty-three kidnapped as a result of those attacks and the Israeli incursions into Lebanese territory continued in flagrant violation of the Lebanon-Israel Armistice Agreement, the

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United Nations Charter and the principles of international law and morality. Security Council document S/9599, dated 12 January 1970, contained the text of a note which the Lebanese Government had transmitted to the Ambassadors of the Big Four Powers in Beirut, in which it brought to their attention the aggressive designs of Israel against Lebanon. Israel was pursuing that policy because of the manifest and rightful solidarity of the Government and people of Lebanon with the Arab peoples and countries that were victims of Israeli aggression.

The previous day, he had communicated to the President of the Security Council and the Secretary-General the text of a statement issued by the Government of Lebanon. Lebanon had denounced the hypocrisy of Israeli propaganda, which was aimed at leading world public opinion to regard the Israeli acts of violence as acts of retaliation against Lebanon for the presence and activities of the Palestinians. However, if there were 300,000 Palestinians in Lebanon, it was not Lebanon's fault but Israel's. If, having lost all hope of exercising the right of return which was recognized by the international community, all or part of those refugees took up arms to fight for their cause, it was not Lebanon's fault, but Israel's.

Israel was responsible for non-compliance with the United Nations resolutions adopted before and after the war of June 1967. Israel shared that responsibility with all those countries which were directly supporting it. Lebanon was the country which least deserved to be held responsible for the presence and the activities of the Palestinians.

The third preambular paragraph of the Universal Declaration of Human Rights provided that everyone should have the right of recourse, as a last resort, to rebellion against tyranny and oppression to ensure that his human rights were respected and protected by law. He not only had the right of rebellion against his own Government, but a fortiori against a ruthless foreign invader and occupier. The right to resist an invader was a sacred duty of every human being. As long as Israel continued to occupy Arab lands and deny human rights to the Arab peoples of Palestine and the occupied territories, there was no choice but to resist.

Until such time as Israel recognized the validity of Arab rights and withdrew from Arab lands, the Commission on Human Rights was in duty bound to maintain its

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vigilance in order to expose Israel's violations of human rights and of the Geneva Convention. In the light of the evidence furnished by the report of the Special Working Group of Experts, and additional evidence, the Commission had no choice but to condemn the Israeli violations, call on Israel to put a stop to them, request the Special Working Group of Experts to carry out its mission by further investigating those violations in the occupied territories, and call on Israel to permit the Group to visit those territories and to co-operate with its members in order that they might carry out their mission.

Mr. CALOVSKI (Yugoslavia), speaking in exercise of his right of reply and referring to the reference made by the representative of Israel at the previous session to the impartiality of Yugoslavia, said he wished to make it clear that his country most strongly condemned the Israeli aggression and occupation.

Mr. OZER (Turkey) expressed the appreciation of his delegation to the Special Working Group of Experts established under resolution 6 (XXV) for the objective and thorough report which it had presented to the Commission. The continued occupation of Arab territories and non-compliance with United Nations resolutions, including those concerning Jerusalem, seriously threatened international peace and security. One of the main objectives of his country's policy was the establishment of peace in the Middle East, as that was the surest guarantee of the enjoyment of human rights in the area.

It was regrettable that the Special Working Group of Experts had not been able to carry out its investigation in the occupied territories because Israel had refused to provide the necessary co-operation. The arguments adduced by Israel to reject the Commission's resolution 6 (XXV) were unacceptable. His delegation shared the views of the Special Working Group of Experts, as expressed in chapter I, paragraph 22, of its report (E/CN.4/1016). It further agreed with the contents of paragraph 23 of the same chapter regarding the applicability of the Fourth Geneva Convention, and paragraphs 26 and 27, regarding the human rights of the civilian population of the territories occupied by Israel.

The conclusions of the Special Working Group of Experts were far from encouraging. Paragraph 1 (d) (i) of chapter IV (E/CN.4/1016/Add.2) stated that the Special Working Group was of the opinion that there were violations of the Fourth Geneva Convention. The destruction of four villages after the cease-fire and many

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of the other findings of the Special Working Group had shown that serious violations of the Fourth Geneva Convention had indeed occurred.

He also wished to draw attention to chapter II of the report (E/CN.4/1016/Add.1) concerning the analysis of some relevant proclamations and orders of the Israel Defence Forces in the territories occupied by Israel. It was evident that articles 54, 64 and 117 of the Geneva Convention had been violated. As stated in paragraph 7 of chapter II of the report, there was no question that the national penal law in the various areas under occupation was that which had been in force prior to occupation. However, the occupying Power had assumed full governmental powers in the occupied territories. With regard to Jerusalem, the Group had also considered that there was no difference between the Israeli laws applying to Jerusalem and the proclamations and orders applying to the other occupied territories.

The Group had found no evidence to indicate that the occupation authorities were implementing part IV of the Geneva Convention. Paragraph 1 (n) of chapter IV of the report (E/CN.4/1016/Add.2) explained the regrettable situation in that regard.

He wished to draw attention to chapter V of the report (E/CN.4/1016/Add.2), which contained the recommendations of the Special Working Group of Experts. It was essential that those recommendations should be carried out. His delegation strongly hoped that the Commission would be able to find a solution to the problem, in order to put an end, once and for all, to the sufferings of countless human beings who had been evicted from their homes or were required to live under foreign occupation.

Mr. PAOLINI (France) expressed compassion for the innocent civilian population of the Arab territories occupied by Israel. Whatever the attitude of the occupying Power, occupation always had an impact on all aspects of life. The only solution to the problem was to ensure the implementation of Security Council resolution 242 (1967).

His delegation had abstained in the vote on Commission resolution 6 (XXV), which had requested the Special Working Group of Experts to investigate the human rights situation in the occupied Arab territories, just as it had abstained in 1967 when the Commission had empowered the Group of Experts to undertake an inquiry

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regarding South Africa, Namibia and the Portuguese Territories. France had serious doubts concerning the competence of the Commission or any of its subsidiary bodies to investigate a specific situation in a given country. That in no way implied criticism of the experts' efforts or of their personal qualities.

Strict application of the provisions of the Geneva Convention would make it possible to avoid most of the incidents referred to in the report. The Commission could appeal to the Government concerned; however, it must not go beyond the limits of its competence, since control over the application of the Geneva Convention rested with the States Parties and the International Committee of the Red Cross.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic) said that the violations of human rights perpetrated by Israel in the Arab territories occupied after the war it had launched against the Arab States constituted a crime against humanity and a serious threat to world peace. Noting that peace must be restored to the region if human rights were to be protected, he recalled resolution I of the International Conference on Human Rights. It was essential to ensure compliance with resolutions adopted by the United Nations, particularly Security Council resolution 242 (1967). The Commission should strongly support the Council's demand for the withdrawal of Israeli troops from the occupied Arab territories.

Israel was perpetrating flagrant and systematic violations of human rights in those territories because it was determined to wrest them from the Arabs. The Israeli campaign to drive Arabs from their land was official policy, just as apartheid was official policy in South Africa. Compelling evidence of that fact had been provided by observers, Press reports, representatives of the Secretary-General, Commission documents and participants at the International Conference on Human Rights. He endorsed the conclusions in the report of the Special Working Group of Experts to the effect that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to the area under discussion. He rejected Israel's contention that Commission resolution 6 (XXV) prejudged the situation. The Arab people were engaged in a legitimate struggle in the occupied territories. History confirmed the legitimacy of such struggles. The Commission should adopt a more far-reaching resolution than it had in the past and should call for effective measures to halt Israeli imperialist aggression and restore the rights of the Arab population.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 1C) (continued)

- (d) MODEL RULES OF PROCEDURE FOR UNITED NATIONS BODIES DEALING WITH VIOLATIONS OF HUMAN RIGHTS (COMMISSION RESOLUTION 3 (XXV)) (E/CN.4/1021, E/CN.4/L.1140)

Mr. ERMACORA (Austria), introducing draft resolution E/CN.4/L.1140 on behalf of his delegation and the delegation of Finland, said that the sponsors wished to delete the second preambular paragraph, since not all members had expressed views on the substance of the preliminary draft of model rules in document E/CN.4/1021. Since the Commission had been unable to deal adequately with that document owing to lack of time, it should resume consideration of the item at its twenty-seventh session.

Mr. TARASSOV (Union of Soviet Socialist Republics) saw no need for any model rules of procedure for United Nations bodies dealing with violations of human rights. It was customary for United Nations bodies to devise their own rules of procedure. The preliminary draft of model rules was unacceptable because it opened the way for intervention in the internal affairs of sovereign Governments. The Commission should not vote on draft resolution E/CN.4/L.1140; its report should simply state that it would revert to the model rules at a subsequent session.

Mrs. HAUSER (United States of America), supported by Mr. BOYE (Senegal), said that the Commission should vote on the draft resolution, which simply called for resumed consideration of an item which the Commission had been unable to consider at its previous or current sessions.

Sir Keith UNWIN (United Kingdom), Mr. PAOLINI (France) and Mr. COLL (Venezuela) said that their delegations would support the draft resolution.

The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1140.

Draft resolution E/CN.4/L.1140, as amended by the sponsors, was adopted by 23 votes to 2, with 4 abstentions.

MEASURES TO BE TAKEN AGAINST NAZISM AND RACIAL INTOLERANCE (COMMISSION RESOLUTION 10 (XXV)) (agenda item 13)* (concluded)

Sir Keith UNWIN (United Kingdom) wished to clarify the information in paragraph 742 of the Special Rapporteur's interim report (E/CN.4/Sub.2/301) in the light of the Soviet representative's comments at the 1052nd meeting concerning racist groups in the United Kingdom and his own reply at the 1053rd meeting. A racist candidate had polled 19.2 per cent of the vote in only one constituency in municipal elections in 1968, and not in the general elections, as the Soviet representative had stated. The figure was less significant in municipal elections, where the total vote was smaller than in general elections. The relevant paragraph of the final report should make it clear that the figure represented the racist vote in only one constituency.

In the most recent general elections in the United Kingdom, racist candidates had made a very poor showing, polling - together with various splinter groups - only 201,000 of a total of approximately 27.2 million votes.

The meeting rose at 5.35 p.m.

* Resumed from the 1058th meeting.