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at 10 a.m.  
New York

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SUMMARY RECORD OF THE 18th MEETING

Chairman:

Mr. POSSO SERRANO  
(Vice-Chairman)

(Ecuador)

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In the absence of the Chairman, Mr. Posso Serrano (Ecuador),  
Vice-Chairman took the Chair

The meeting was called to order at 10.35 a.m.

AGENDA ITEM 75: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (A/45/84, 306, 576, 608-614; S/21919)

1. The CHAIRMAN drew attention to a number of letters on the item, issued as documents A/45/72, 93, 114, 116, 121, 122, 175, 182, 253, 258, 260, 283, 285, 288, 290, 295, 311, 317, 326, 333 and Corr.1, 360, 421, 506, 532, 534, 596, 650, 655, 703, 704, 722 and 727.
2. Mr. PERERA (Sri Lanka), speaking as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of the Special Committee (A/45/576). He said that in preparing its report the Special Committee had taken care to rely on information that had not been contradicted by the Government of Israel. While the Governments of Egypt, Jordan and the Syrian Arab Republic and the representatives of Palestine had co-operated with the Special Committee, the Government of Israel had declined to do so. Accordingly, the Special Committee had not been able to visit the occupied territories, and had based its report on oral information from people having first-hand knowledge of the situation and on written information from various sources, including the Governments concerned.
3. The report reflected the human-rights situation in the occupied territories, including the administration of justice, treatment of civilians and economic and social conditions. It also referred to various restrictions on the enjoyment of fundamental rights and freedoms, and dealt with the activities of settlers, the treatment of detainees and the question of annexation.
4. The general conclusion reached by the Special Committee was that repression had hardened and that the already precarious human-rights situation of civilians in the occupied territories had worsened. The underlying reality was that the occupation itself constituted a violation of human rights. Yet Israel had gone beyond occupation and had annexed parts of the territories, and had then proceeded to confiscate property, expel Palestinians and transfer Israeli citizens to the territories, in violation of its obligations under the fourth Geneva Convention.
5. The Israeli authorities were determined to quell the uprising and had resorted to increasingly harsh measures, including shootings, beatings and the use of tear-gas, often at random. The result had been a heavy toll of civilian casualties, including children.

(Mr. Perera, Sri Lanka)

6. There had been a further deterioration in the administration of justice. Arab civilians continued to be denied adequate legal guarantees or fair trials, whereas Israelis charged with ill-treating or killing Arabs were often treated with disproportionate leniency. Arab civilians continued to suffer collective punishments, such as the demolition of houses, economic sanctions and prolonged curfews. New expulsion measures had been taken.

7. During the reporting period, Israel had continued to settle new immigrants in the occupied territories, settlers who had harassed Arab civilians. There had been increasing allegations of torture and ill-treatment of detainees. Fundamental freedoms had been hampered by travel bans, interference with the freedom of religion, and the harassment of journalists.

8. The result had been a further increase in tension in the occupied territories to a very dangerous level. The killings in Jerusalem in October, and the reprisals in Gaza following the death of an Israeli reservist in September, had shocked the international community.

9. The extreme gravity of the situation had led the Special Committee to stress the need to arrive, through negotiations, at a comprehensive, just and lasting settlement of the Arab-Israeli conflict, taking into account the rights of all the peoples of the area. There must be no further delay in improving the tragic conditions prevailing in the occupied territories. To that end, the Special Committee recommended urgent measures to safeguard human rights in the occupied territories, including the full application by Israel of the relevant provisions of the fourth Geneva Convention; full compliance with all pertinent resolutions of the United Nations and specialized agencies; the convening of an international conference under United Nations auspices; the full co-operation of the Israeli authorities with the International Committee of the Red Cross, and full support by Member States for its activities; support for UNRWA activities in the occupied territories; and co-operation on the part of Israel with UNRWA as well as respect for its privileges and immunities.

10. Mr. MANSOUR (Observer for Palestine) said that the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories gave a clear picture of the situation in the occupied territories of Palestine and the Syrian Arab Golan. They showed that the systematic brutality of the Israeli occupant against the Palestinian people had intensified with the aim of annexing all of Palestine and expelling the Palestinian people. Israel had annexed Jerusalem in 1967, proclaiming it the capital of Israel, and had since considered any intervention by the United Nations regarding Jerusalem as interference in its internal affairs.

11. In its twenty-second report (A/45/576), the Special Committee had concluded that the policy of Israel towards occupied Palestine continued to be one of de facto annexation, in flagrant violation of Israel's obligations under the fourth Geneva Convention. There had been a constant escalation of repression, resulting in hundreds of civilians killed and increasing casualties among children, as

(Mr. Mansour, Observer, Palestine)

confirmed by the report of the Swedish Save the Children Fund of January 1990. There had been massacres at Rishon-le-Zion in May 1990 and at the Haram al-Sharif in October 1990. People had been beaten and their bones broken; tear-gas had been used in confined areas and adequate medical care had been denied. Serious psychological damage had resulted from the climate of fear. Children had been traumatized. Tens of thousands of Palestinians had been arrested, often without charge, and detainees had been tortured. Palestinians had been expelled and there was a new punitive measure of "conditional banishment". There had been collective punishments, prolonged curfews and economic sanctions. Houses had been demolished. There had been restrictions on the freedoms of movement, religion, expression and education. There was censorship, and newspapers had been closed and journalists harassed. There had been prolonged closures of academic institutions. Israeli settlers had continued their acts of violence against the civilian population and there had been illegal expropriation of Palestinian land in order to establish new Zionist settlements or expand existing ones. Tension had reached a very dangerous level, and if urgent measures were not taken, it could result in a major explosion.

12. The Special Committee had stressed the need to negotiate a comprehensive, just and lasting settlement of the Arab-Israeli conflict which would take into account the rights of all peoples in the area, including the national rights of the Palestinian people. It had also recommended the full application by Israel of the relevant provisions of the fourth Geneva Convention, full compliance with all United Nations resolutions on Palestine and the convening of an international conference under United Nations auspices with the participation of all the parties concerned.

13. The Secretary-General's report (S/21919), submitted to the Security Council in accordance with resolution 672 (1990), had corroborated the report of the Special Committee. In its resolution 673 (1990), the Security Council had deplored the Israeli Government's refusal to receive the mission of the Secretary-General. Furthermore, the General Assembly had repeatedly deplored Israel's constant refusal to allow the Special Committee access to occupied Palestine, and had condemned its refusal to allow persons from occupied Palestine to appear as witnesses before the Special Committee.

14. The intifadah would soon enter its fourth year and the Palestinian people had recently celebrated the second anniversary of the proclamation of the State of Palestine. As the intifadah continued to gain strength, Israeli repression was becoming increasingly savage. However, such repression had not contained the intifadah, whose goals were the end of occupation and the attainment of full sovereignty for the State of Palestine.

15. The Security Council was called upon to act urgently to provide international protection for occupied Palestine and to invoke measures under Chapter VII of the Charter in order to force Israel to comply with its obligations. The placing of occupied Palestine under United Nations supervision for a limited period would

(Mr. Mansour, Observer, Palestine)

constitute a major step towards a just and comprehensive peace. Israel's escalation of repression had been accompanied by aggressive political manoeuvring, which had United States support.

16. On 7 November 1990, his delegation had urged the Security Council to establish a United Nations observer force to be dispatched to the occupied Palestinian territory. Palestine also hoped for immediate implementation of General Assembly resolution 44/42 once the negative position of Israel and the United States changed. He hoped that the Security Council would adopt very soon a draft resolution on the convening of the International Peace Conference.

17. Mr. FAWZY (Egypt) said that the yearly discussions of Israeli practices in the occupied territories had thus far had no tangible results, which was an indication of Israel's disregard of international will. Israel had ignored General Assembly resolutions urging it to respect the human rights of the Palestinian people in the occupied territories and to collaborate with the Special Committee by allowing it to visit the occupied territories, which Israel had constantly refused to do. In spite of such obstacles, the Special Committee had helped to shed light on Israel's arbitrary policies and practices, which had resulted in deteriorating conditions for the Palestinian population. Israel had evaded its responsibilities as an occupying Power under international law and the fourth Geneva Convention.

18. The report of the Special Committee (A/45/576) described in detail the tragedy of the Palestinian people resulting from Israel's continuing repression. Israel continued to use live ammunition and tear-gas against Palestinian demonstrators. Even schools and hospitals had not escaped Israeli violence. Israel continued to use collective punishments, destroy Palestinian houses, impose curfews, confiscate property, prevent the export of Palestinian produce and hinder freedom of movement. Israel arrested Palestinians, maltreated them and prevented them from preparing their legal defence.

19. The goal of such measures was the annexation of the occupied territories. Israel continued to establish settlements and to expel Palestinians. Israel had intervened in the educational system by controlling syllabuses and closing academic institutions in an attempt to destroy the cultural heritage of the Palestinian people and thus threaten its identity. The report had also noted an increase in the number of unpunished violent acts by Israeli settlers against Palestinian civilians.

20. His delegation had been severely shaken by the events of the previous month at the Haram al-Sharif, which had underscored the urgent need to provide protection to the Palestinian people; any delay might lead to further loss of life and increased tension. He expressed support for the recommendations in the Secretary-General's report (S/21919) concerning the provision of protection, and in particular the idea of calling for a meeting of the parties to the fourth Geneva Convention to discuss the question of protection.

21. Egypt would continue to condemn such practices and to urge Israel to halt them and to recognize the legitimate rights of the Palestinian people as a first step

(Mr. Fawzy, Egypt)

towards serious negotiations on the basis of the Security Council resolutions on Palestine.

22. The Middle East was passing through a critical phase. Israel must realize that violence, repression and collective punishment would not ensure its security, but rather fuel extremism and confrontation. Arbitrary repression of the intifadah could only inflame the Palestinian struggle. Israel's current policy threatened to undermine all efforts aimed at dialogue between the Palestinian and Israeli peoples. Israel should abide by the fourth Geneva Convention and take steps to build confidence between the two peoples. In its efforts to end the tragedy of the Palestinian people, Egypt would continue to strive for the exercise by the Palestinian peoples of its right to self-determination.

23. Mr. SCIALOJA (Italy), speaking on behalf of the European Community and its twelve member States, said that the severe deterioration in the human-rights situation in the occupied territories was a direct consequence of the worsening political climate, which made it more necessary than ever to find a negotiated solution to the Arab-Israeli conflict. The crisis in the Persian Gulf should not prevent the international community from beginning a political process aimed at a just, comprehensive and lasting peace, in conformity with the relevant United Nations resolutions.

24. The Twelve stressed their intention to work towards such a settlement, and repeated their support for the convening of an international peace conference under United Nations auspices. The European Community supported the right of all the States of the region to exist within secure and recognized borders, on the basis of Security Council resolutions 242 (1967) and 338 (1973), as well as justice for all the peoples of the region, including the right to self-determination of the Palestinian people.

25. Any change in the demographic structure of the occupied territories contravened international law and undermined the peace process. The establishment of new settlements was the reverse of the kind of confidence-building measure which could contribute to a peaceful solution. The Twelve reaffirmed the right to liberty of movement, in accordance with the International Covenant on Civil and Political Rights. In that connection they supported the right of Jews to emigrate to Israel, but not at the expense of the rights of the Palestinians in the occupied territories.

26. The European Community considered Israel's unilateral decisions to modify the status of Jerusalem and to impose its jurisdiction over the occupied Syrian Arab Golan as null and void, and reaffirmed the particular importance of Jerusalem. Access to places of worship must be safeguarded in any future agreement on Jerusalem. The Twelve also called on Israel to meet its obligations under the fourth Geneva Convention.

27. The Twelve had noted an alarming increase in the level of violence in the occupied territories. The level of force employed by Israel in response to violent

(Mr. Scialoja, Italy)

protests had often been excessive, as typified by the incidents in October 1990 in Jerusalem.

28. With regard to the report submitted by the Secretary-General to the Security Council (S/21919), the Twelve regretted the refusal of the Israeli authorities to receive the Secretary-General's mission, and agreed that steps should be taken to ensure the safety of the Palestinian civilians under Israeli occupation. The Twelve also deplored incidents of violence against Israeli civilians in the occupied territories. It was imperative to break the cycle of violence; all parties had a responsibility to refrain from any act which might impede dialogue and negotiation.

29. The European Community had long deplored Israel's collective punishments and reprisals and condemned the policy of deportations from the occupied territories, in violation of the fourth Geneva Convention. The Twelve were particularly concerned about the prolonged closure of educational establishments, including UNRWA schools. The Community hoped that all universities would be reopened promptly. The obstacles to the normal functioning of the health-care system, including the activities of UNRWA, were also of serious concern to the Community.

30. The Twelve had taken a number of measures to assist the population of the occupied territories and help preserve the future of Palestinian society. The Twelve were the major donors to UNRWA, in addition to which the Community had given preferential treatment to exports originating in the occupied territories with the aim of reducing unemployment. Moreover, the Community had decided, at the Dublin summit of June 1990, to more than double its aid to the population of the occupied territories to some \$17 million.

31. The United Nations could and should play a role in protecting the Arab population of the occupied territories. The Twelve supported all efforts by the Organization to break the cycle of hatred and confrontation and establish a constructive climate. It was clear that only a comprehensive political settlement of the Arab-Israeli conflict would end the sufferings of the Palestinian people. It was a further injustice that the Iraqi invasion of Kuwait had delayed the quest for a solution. The Twelve stood ready to contribute to a comprehensive, just and lasting solution.

32. Mr. INBAR (Israel), speaking in exercise of the right of reply, said that in the light of the repeated references to the Palestinian resistance and the intifadah, it would be useful to clarify the real causes of the current unrest. In a leaflet recently distributed in the occupied territories, Yasser Arafat had said that the PLO's struggle was not for a political settlement and that its professed desire to negotiate a settlement was only a political cover for 'its revolutionary intentions. Those intentions were and had always been the destruction of the State of Israel.

33. The situation in the territories administered by Israel was a source of concern for his Government, but what was actually going on there had been

(Mr. Inbar, Israel)

systematically distorted in the statements the Committee had just heard. The acts of violence being committed by Arabs had been disregarded, although they were widespread and serious. The shocking silence about them maintained by those who claimed to be the protectors of the Palestinians was most blatant with regard to the reign of terror unleashed against fellow Palestinians by the PLO, which had already claimed 350 lives, with many more wounded. There could be no clearer demonstration that the PLO was a terrorist organization.

34. The Israeli authorities for their part had made a long series of goodwill gestures. But when calm prevailed in the territories it was perceived as a direct threat by the PLO, which fomented disorder and violence in order to gain its ends. In a region marked by instability, the PLO could not be a reliable partner for negotiations; that was a risk Israel simply could not take. For those reasons, Israel had proposed a negotiating process which emphasized direct negotiations between the parties in Israel and the occupied territories.

35. Mr. MANSOUR (Observer for Palestine), speaking in exercise of the right of reply, said that if he wished to dwell on the past he could provide the Committee with a great deal of information about the proven terrorist record of the current Prime Minister of Israel and at least two members of his Cabinet. But the PLO did not wish to dwell on or remain in the past; it wished to move forward to a peaceful resolution of the conflict. The situation was clearly one of occupation, and the Palestinian people were suffering from that occupation. The representative of Israel had referred to elections, but the last elections Israel had permitted - and that only at the local level - had been in 1976, and most of the officials elected had since been removed by the Israeli authorities. If Israel wanted elections, why did it not hold them immediately? Its adversary in the current dispute was not Arafat or the PLO, it was the entire United Nations. The PLO wanted negotiations, within the context of an international conference, and hoped Israel would heed its call to begin that process.

36. Mr. KADRAT (Iraq), speaking in exercise of the right of reply, said that Israeli aggression and refusal to reach a peaceful settlement needed no further proof. The Palestinian people under the PLO would continue its struggle. For its part, Iraq had repeatedly presented proposals for reaching a regional settlement on a basis of equality, all of which had been rejected.

37. Mr. INBAR (Israel), speaking in exercise of the right of reply, said that, in view of what was going on in the world at the present moment, for a representative of Iraq to speak of settlement, negotiations and terrorism required no reply.

The meeting rose at 12.10 p.m.