



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2005/L.3
18 March 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

Egypt, Lebanon*, Pakistan, Qatar and Saudi Arabia: draft resolution

2005/... Human rights situation of the Lebanese detainees in Israel

The Commission on Human Rights,

Recalling its previous resolutions on this subject, including resolution 2003/8 of 15 April 2003,

Recalling also the statement made by the Chairperson of the Commission at its sixtieth session on 15 April 2004 which, while taking into consideration the relevant concerns and goals of the Government of Lebanon regarding the release of remaining detainees in Israel, the return of mortal remains and the provision of all maps concerning the location of landmines in South Lebanon, welcomed the continuation of German mediation and the decision of the Government of Lebanon to defer draft resolution E/CN.4/2004/L.9 to the sixty-first session of the Commission pending the successful conclusion of the mediation in order to achieve the above-mentioned objectives,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Commending the German mediation which led, on 29 January 2004, to the exchange of detainees and mortal remains,

Considering that the exchange process and the efforts thereafter did not result in the release of all the Lebanese nationals taken into detention by Israel during the occupation of southern Lebanon,

Concerned about the remaining Lebanese detainees in Israel, about Israel's continued concealment of the fate of scores of Lebanese missing persons, and about the bodies of deceased Lebanese nationals who were taken into detention or transferred by Israel to Israeli prisons during the occupation of southern Lebanon,

Affirming that keeping Lebanese detainees in Israeli prisons without trial and holding them hostages as bargaining chips constitutes a flagrant violation of the principles of international law and human rights,

Gravely concerned about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths, injuries and permanent disabilities to civilians, including women and children,

Considering that the Government of Lebanon has found that most of the documents and maps of minefields submitted by Israel on the occasion of the exchange of prisoners during January 2004 are a repetition of information previously delivered through the United Nations on 21 December 2001, except information and maps concerning eight new minefields, five of which are located outside Lebanese borders in Israel,

Deploring the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Conventions of 1977,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon as well as persistent violations by Israel of the airspace and territorial waters of Lebanon, which escalate tension in the region,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions, of 12 August 1949, and the Additional Protocols thereto of 1967;

2. *Also calls upon* the Government of Israel to release immediately all remaining Lebanese nationals who were taken into detention under the Israeli occupation and are held hostage in Israeli prisons as bargaining chips, to disclose the fate of Lebanese missing persons whom it detained and to return the bodies of the deceased, in compliance with all relevant Geneva Conventions and provisions of international law;

3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit regularly the Lebanese nationals who remain in detention and to allow other international humanitarian organizations to do so in order to look into their sanitary and humanitarian conditions and, in particular, the circumstances of their detention, as well as to determine the fate of the Lebanese nationals missing as a result of the Israeli occupation;

4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps that remain in its possession, indicating the location of all the mines it laid throughout civilian villages, agricultural fields and farmland, which are causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;

5. *Requests* the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions,

(b) To report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on the results of his efforts in this regard;

6. *Decides* to continue its consideration of the situation of the Lebanese detainees as well as the Lebanese missing persons in Israel at its sixty-second session.
