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### REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES

#### Report of the Secretary-General

(in pursuance of General Assembly resolution 39/95 F)

1. The present report is submitted in pursuance of General Assembly resolution 39/95 F of 14 December 1984, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

"2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;

"3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

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\* A/40/150.

"4. Strongly condemns Israel for its attempts and measures to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan Heights and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan Heights;

"5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"6. Requests the Secretary-General to submit to the General Assembly at its fortieth session a report on the implementation of the present resolution."

2. On 29 March 1985, the Secretary-General addressed to the Permanent Representative of Israel a note verbale in which he referred to his reporting responsibility under the resolution and requested the Permanent Representative to inform him, by 30 June 1985, of any steps his Government had taken or envisaged to take in implementation of the relevant provisions of the resolution.

3. On 1 July 1985, the Acting Permanent Representative of Israel replied that the position of his Government on this matter had been the subject of a letter by the Permanent Representative of Israel dated 29 December 1981, which had been included in the Secretary-General's report of 31 December 1981 (S/14821, para. 3).

4. In the light of paragraph 5 of the resolution, the Secretary-General, on 9 April 1985, also addressed notes verbales to the Permanent Representatives of all other Member States, in which he referred to his reporting responsibility under the resolution and requested them to inform him, by 30 June 1985, of any measures their Governments had taken or envisaged to take in implementation of the resolution. The replies received from Czechoslovakia, Gabon, Poland and the Union of Soviet Socialist Republics are reproduced in the annex to the present report.

ANNEX

Replies received from Member States

CZECHOSLOVAKIA

[Original: English]

[15 July 1985]

1. The Czechoslovak Socialist Republic strongly condemns the illegal practices of Israel in the occupied Arab territories carried out by all available means and affecting all spheres of life. Actions of the Israeli authorities such as the use of firearms against peaceful rallies of the Palestinian people, detention of thousands of Palestinians in concentration camps and torturing of the internees flagrantly violate the norms and principles of international law and are totally incompatible with the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. We protest the forced displacement of Arab peasants and the expropriation of their land for the purpose of building militarized settlements. We demand that the Israeli Government should respect academic freedoms and abandon its practice of closing Palestinian universities under the pretext of accusations of anti-Israeli activities.

2. The Czechoslovak Socialist Republic has been exerting at all international forums utmost effort aimed at making Israel fully respect on the occupied territories the norms and principles of international law, primarily the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

GABON

[Original: French]

[23 May 1985]

1. The Gabonese Republic shares the deep concern expressed by the international community at the turn taken by the situation in the Middle East, which endangers international peace and security.

2. The lamentable and dangerous situation prevailing in the region is the result, in particular, of the continued illegal occupation by Israel of the Arab territories seized by it in 1967 and of Tel Aviv's refusal to recognize the inalienable rights of the Palestinian people relating to the restoration of its homeland.

3. The Gabonese Republic strongly condemns those policies and actions undertaken with a view to perpetuating the Israeli occupation in the Arab territories with the help of the military, financial and material support of certain foreign Powers. Emboldened by such support, Israel continues to obstruct the relevant decisions on the question adopted by the Security Council. Accordingly, Gabon can only join its voice to that of the international community, which has continued to make

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untiring efforts so that the Palestinian case should be better understood than ever before and so that further and more effective measures should be taken within the United Nations framework against the Zionist State.

4. Given this outlook, the Gabonese Government, in keeping with its unshakeable position of principle on the Middle East situation and on the basis of the resolutions adopted by OAU and the Organization of the Islamic Conference, has had no diplomatic relations with Israel since 1973. In accordance with a declaration made public on 20 May 1985, the Gabonese authorities reaffirmed this position of principle, stating that the decision taken following the Yom Kippur War to suspend diplomatic relations with Israel remained unchanged.

5. Gabon has, moreover, also continued to implement the measures set forth in paragraph 13 of General Assembly resolution 39/95 D with a view to completely isolating the Israeli régime.

6. In the sphere of bilateral contacts and, more particularly, of its attitude towards the State of Israel, the Gabonese Government strictly implements the provisions of the relevant United Nations resolutions, including those of paragraph 4 of General Assembly resolution 39/95 B and paragraph 5 of General Assembly resolution 39/95 C.

7. Generally speaking, the position of the Gabonese Republic with regard to the Middle East situation is in keeping with an international outlook based on the principles of the right to self-determination and the right to peace. At the United Nations, the Gabonese Republic has always advocated the search for a just and lasting peace in that part of the world guaranteeing to all the States of the region, including Israel, the right to security and to live in peace within secure and recognized boundaries, in accordance with Security Council resolutions 242 (1967) and 338 (1973).

8. Gabon is likewise convinced of the legitimacy of the inalienable rights of the Palestinian people, particularly of its right to self-determination.

9. The Gabonese Republic pays tribute to Mr. Javier Pérez de Cuéllar for his efforts to find the ways to a peaceful settlement of the Israeli-Arab conflict. It also supports the appeal made by the United Nations General Assembly in its resolution 38/58 C, welcoming and endorsing the call for convening an International Peace Conference on the Middle East.

10. In this regard, Gabon remains convinced that all parties concerned should take part in the Conference, including the PLO, the sole authentic representative of the Palestinian people.

11. Gabon considers, in any event, that annexation of Arab territories occupied by Israel is a flagrant violation of the United Nations recommendations on the question. Indeed, in defiance of the oft-repeated condemnation of its practices by the Security Council and the General Assembly, the Jewish State continues, with total impunity, to implement its plan radically to alter the demographic composition and physical character of the occupied territories with a view to their Judaization and ultimate annexation.

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12. The United Nations must, consequently, make use of all the means at its disposal, including those set forth in Chapter VII of the Charter, in order to put an end to such Israeli practices posing, as they do, a serious threat to international peace and security.
13. Gabon has, accordingly, no alternative but to protest against the atrocities of which the Palestinian people is the victim.
14. The Middle East can resume its position as a domain of peace only if an end is put to Israel's arrogance and, above all, if the Palestinian people regains its legitimate national rights.
15. Such is the pressing task that, among others, the international community entrusts to the United Nations at a time when it is preparing to commemorate its fortieth anniversary. The Gabonese people, its Head of state and its Government associate themselves fully with such a process, which helps safeguard those lofty ideals of peace, justice and international solidarity for the defence of which that institution has done so much.

POLAND

[Original: English]

[9 September 1985]

1. The Government of the Polish People's Republic confirms once again, as it has done during the previous years, that it does not recognize any of the legislative or administrative measures and actions undertaken by the Israeli authorities in the Arab occupied territories of the West Bank of Jordan, including Jerusalem, the Gaza Strip and Golan Heights. All such measures and particularly those leading to geographical or demographic changes of the above-mentioned territories are considered by the Polish Government as illegal and of no validity.
2. In view of what has been said above, Poland does not undertake any action which might be used by the Israeli occupying authorities in its pursuit of the practices of annexation and colonization of these territories.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[30 July 1985]

1. In conformity with resolutions 39/95 A to H adopted at the thirty-ninth session of the United Nations General Assembly, the Soviet Union vigorously condemns the expansionist policies and illegal activities of the Israeli authorities in the occupied Arab territories.

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2. It believes that Israeli activities in the occupied Arab territories, including all legislative and administrative measures taken by Israel to change the physical character, demographic composition and status of those territories, including East Jerusalem, flagrantly violate the Fourth Geneva Convention of 1949, on the protection of the civilian population in time of war, and the relevant United Nations resolutions. They blatantly contradict the Charter of the United Nations and numerous resolutions of the Security Council and the General Assembly. Such activities create serious obstacles to the achievement of a just and lasting peace in the Middle East.
3. The Soviet Union will not recognize any changes made by Israel in the occupied Arab territories and takes no action which could be used by Israel in the pursuit of its policies of annexation and colonization of those lands. The Soviet Union fully supports the General Assembly's appeal to the Security Council to take measures to halt Israeli policies and practices in the occupied Arab territories.
4. It is obvious that Israel would not have decided to flout so blatantly the universally recognized rules of international law, the principles of the Charter of the United Nations and the decisions of the Organization if it did not enjoy the protection and all-round support of its "strategic ally", the United States of America.
5. The Soviet Union steadfastly supports the just cause of the Arab peoples struggling to eradicate the consequences of Israeli aggression. It believes that a just and lasting peace in the Middle East can be secured only through the collective efforts of all interested parties, including the PLO, the sole legitimate representative of the Palestinian people, on the basis of a complete and unconditional withdrawal of Israeli forces from all the Arab territories occupied since 1967 and the practical attainment of the inalienable national rights of the Arab people of Palestine. This is the course suggested in the Soviet Union's proposals for a Middle East settlement, which also envisage the practical machinery for such a settlement: an international conference on the Middle East. At the thirty-ninth session of the General Assembly, the Soviet Union, together with the overwhelming majority of States, voted in favour of a resolution on preparations for and the convening of such a conference.

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