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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 Special Political Committee

Rapporteur: Mr. Ömer E. AKBEL (Turkey)

1. The item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories" was included in the provisional agenda of the twenty-seventh session of the General Assembly in accordance with resolution 2851 (XXVI) of 20 December 1971.
2. At its 200th and 201st meetings on 21 September 1972, the General Committee decided to recommend the inclusion of the item in the agenda and its allocation to the Special Political Committee for consideration and report. At its 2037th plenary meeting, on 23 September, the General Assembly approved the recommendations of the General Committee.
3. The Special Political Committee considered the item at its 849th to 855th meetings, from 30 November to 7 December 1972. The Special Political Committee had before it the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of Occupied Territories (A/8828) submitted in accordance with resolution 2851 (XXVI).
4. The Special Political Committee began consideration of the item on 30 November 1972 by hearing a statement by the Chairman of the Special Committee, who introduced its report.
5. In a letter dated 27 October addressed to the Chairman of the Special Political Committee (A/SPC/158), the representatives of Afghanistan, Indonesia,

Pakistan and Saudi Arabia requested that the Palestine Arab delegation be heard by the Special Political Committee during its consideration of the item.

6. With regard to that request, the Committee decided at its 849th meeting to authorize, in accordance with the practice established at previous sessions, the persons constituting the said delegation to address the Committee, without such authorization implying recognition of the delegation in question. Pursuant to that decision a statement was made on behalf of the delegation at the 850th meeting, on 1 December.

7. On 4 December the Committee received a draft resolution (A/SPC/L.258) sponsored by Mali, Mauritania and Pakistan. Subsequently, Afghanistan, Guinea, Indonesia and Malaysia joined as sponsors.

8. At the 854th meeting on 6 December, the representative of Pakistan introduced the draft resolution and indicated the following modifications in the text:

(a) The first part of operative paragraph 2 should read as follows:

"2. Strongly calls upon Israel to rescind forthwith and desist from all such policies and practices as:"

(b) Following operative paragraph 10, a new paragraph 11 should be inserted and consequently the remaining paragraphs should be renumbered. The new paragraph reads as follows:

"11. Requests the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;"

Accordingly a revised draft resolution was issued on 6 December (A/SPC/L.258/Rev.1).

9. On 6 December the Secretary-General, in accordance with rule 155 of the rules of procedure of the General Assembly, submitted to the Committee a statement (A/SPC/L.260) on the administrative and financial implications of the draft resolution.

10. At the 855th meeting on 7 December, the revised draft resolution (A/SPC/L.258/Rev.1) was put to a vote and was adopted by a roll-call vote of 60 to 10, with 44 abstentions (see para. 11 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bahrain, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Republic,

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Malaysia, Mali, Mauritania, Mongolia, Morocco, Nigeria, Oman, Pakistan, Peru, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Against: Barbados, Bolivia, Canada, Costa Rica, Dominican Republic, Israel, Nicaragua, Swaziland, United States of America, Uruguay.

Abstaining: Argentina, Australia, Austria, Belgium, Bhutan, Botswana, Brazil, Central African Republic, Colombia, Denmark, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Guatemala, Haiti, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Khmer Republic, Lesotho, Liberia, Malawi, Mexico, Netherlands, New Zealand, Norway, Philippines, Portugal, Rwanda, Singapore, Sweden, Thailand, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Venezuela, Zaire.

RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

11. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied
Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Invoking the provisions and principles of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/

Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968, as well as other pertinent resolutions of the United Nations,

1/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 2/

Considering that a system of investigation and protection is required for ensuring effective implementation of the international instruments, such as the aforementioned Geneva Convention of 12 August 1949, which provide for respect for human rights in armed conflicts,

Recalling that, in accordance with article 1 of that Convention, the States parties have undertaken not only to respect but also to ensure respect for the Convention in all circumstances,

Considering that implementation of the Geneva Convention of 12 August 1949 cannot and should not be left open in a situation involving foreign military occupation and the rights of the civilian population of these territories under the provisions of that Convention and in accordance with the principles of international law,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it;

2. Strongly calls upon Israel to rescind forthwith and desist from all such policies and practices as:

(a) The annexation of any part of the occupied territories;

(b) The establishment of Israeli settlements on those territories and the transfer of parts of an alien population into the occupied territories;

(c) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property;

(d) The evacuation, transfer, deportation and expulsion of the inhabitants of the occupied territories;

(e) The denial of the right of the displaced persons to return to their homes;

3. Reaffirms that all measures taken by Israel in contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to settle the occupied territories, including occupied Jerusalem, are null and void;

4. Affirms the principle of the sovereignty of the population of the occupied territories over their national wealth and resources;

5. Calls upon all States, international organizations and specialized agencies not to recognize or co-operate with, or assist in any manner in, any measures undertaken by the occupying Power to exploit the resources of the occupied territories or to effect any changes in the demographic composition or the geographic character or the institutional structure of these territories;

6. Requests all States parties to the Geneva Convention of 12 August 1949 to do their utmost to ensure that Israel respects and fulfils its obligations under that Convention;

7. Requests the Special Committee, pending the early termination of Israeli occupation of Arab territories, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories;

8. Requests the Secretary-General to render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices affecting the human rights of the population of the occupied territories, especially:

(a) The measures concerning the establishment of Israeli settlements in the occupied territories and the moving into the occupied territories of an alien population, contrary to the provisions of the Geneva Convention of 12 August 1949;

(b) The situation concerning the annexation of any part of the territories occupied by Israel since 5 June 1967;

(c) The exploitation and the looting of the resources of the occupied territories;

(d) The changes in the physical character or demographic composition or institutional structure of these territories, including the transfer or deportation of population thereof or demolition of houses and towns therein;

(e) The pillaging of the archaeological and cultural heritage of the occupied territories;

(f) The interference in the freedom of worship in the holy places of the occupied territories;

9. Calls upon Israel to co-operate with the Secretary-General and the Special Committee and to facilitate their tasks;

10. Requests the Secretary-General to ensure the widest circulation of the reports of the Special Committee by all means available through the Office of Public Information.

11. Requests the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

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12. Requests the Secretary-General to report to the General Assembly at its twenty-eighth session on the task entrusted to him;

13. Decides to include in the provisional agenda of its twenty-eighth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".
