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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. Guenther MAUERSBERGER (German Democratic Republic)

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 thirtieth session of the General Assembly in accordance with resolution 3240 (XXIX) of 29 November 1974.
2. At its 2353rd plenary meeting, on 19 September 1975, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee for consideration and report.
3. The Special Political Committee examined the item at its 985th to 991st meetings, between 26 November and 5 December.
4. The Committee had before it the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272) as well as the report of the Secretary-General (A/10370) submitted in accordance with paragraph 10 (c) of resolution 3240 A (XXIX) and paragraph 4 of resolution 3240 C (XXIX).
5. At the 985th meeting, on 26 November, the Chairman of the Special Committee made an introductory statement.
6. At the 990th meeting, on 3 December, the representative of Pakistan introduced four draft resolutions (A/SPC/L.340, L.341, L.342 and L.343), sponsored by Pakistan and Senegal. Subsequently, draft resolution A/SPC/L.340 was also sponsored by Afghanistan, Benin, the Comoros, India, Indonesia and Malaysia; draft resolution A/SPC/L.341 by Afghanistan, Benin, the Comoros, India, Indonesia,

Malaysia, Mali and the Philippines; draft resolution A/SPC/L.342 by Afghanistan, Benin, the Comoros, India and the Philippines; and draft resolution A/SPC/L.343 by Afghanistan, Benin, the Comoros, Indonesia, Malaysia and the Philippines.

7. The Committee received statements on the administrative and financial implications of draft resolution A/SPC/L.340 (A/SPC/L.345 and Corr.1), and of draft resolution A/SPC/L.342 (A/SPC/L.344), submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

8. At the 991st meeting, on 5 December, the Committee voted on the four draft resolutions, as follows:

(a) Draft resolution A/SPC/L.340 was adopted by a roll-call vote of 81 to 4, with 20 abstentions (see para. 9 below, draft resolution A). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chad, China, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Finland, German Democratic Republic, Ghana, Greece, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Costa Rica, Israel, Nicaragua, United States of America.

Abstaining: Australia, Austria, Belgium, Burundi, Canada, Colombia, Denmark, France, Germany (Federal Republic of), Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

(b) Draft resolution A/SPC/L.341 was adopted by a roll-call vote of 106 to 1, with 3 abstentions (see para. 9 below, draft resolution B). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guyana, Hungary, Iceland, India,

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Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Haiti, Malawi, Nicaragua.

(c) Draft resolution A/SPC/L.342 was adopted by a roll-call vote of 84 to 2, with 24 abstentions (see para. 9 below, draft resolution C). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, Nicaragua.

Abstaining: Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Denmark, Finland, France, Germany (Federal Republic of), Haiti, Iceland, Ireland, Italy, Ivory Coast, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

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(d) Draft resolution A/SPC/L.343 was adopted by a roll-call vote of 78 to 4, with 26 abstentions (see para. 9 below, draft resolution D). The voting was as follows: 1/

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Costa Rica, Israel, Nicaragua, United States of America.

Abstaining: Australia, Austria, Barbados, Belgium, Burma, Canada, Colombia, Denmark, Finland, France, Germany (Federal Republic of), Haiti, Iceland, Ireland, Italy, Ivory Coast, Japan, Malawi, Netherlands, New Zealand, Norway, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

RECOMMENDATIONS OF THE SPECIAL POLITICAL COMMITTEE

9. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolutions:

A

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions 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, 2/ as well as of other relevant conventions and regulations,

1/ At the same meeting, the representative of Oman stated that, had he been present, he would have voted in favour of all four draft resolutions (A/SPC/L.340, L.341, L.342 and L.343).

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

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Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 3/ which contains, inter alia, public statements made by leaders of the Israeli Government,

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 by the General Assembly;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. Calls again upon Israel to allow the Special Committee access to the occupied territories;

4. Deplores the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments;

5. Condemns, in particular, the following Israeli policies and practices:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(c) The destruction and demolition of Arab houses;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals, on the one hand, and the inhabitants or institutions of the occupied territories, on the other;

(e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and the denial of their right to return;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) The pillaging of archaeological and cultural property;

(h) The interference with religious freedoms and practices, as well as family rights and customs;

(i) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. Declares that those policies and practices of Israel constitute grave violations of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity, and the principles and provisions of international law concerning occupation, as well as constitute an impediment to the establishment of a just and lasting peace;

7. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, are null and void;

8. Reaffirms further that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories;

9. Demands that Israel desist forthwith from the annexation and colonization of the occupied Arab territories as well as from all the policies and practices referred to in paragraph 5 above;

10. Reiterates its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

11. Requests the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, 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, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

12. Requests the Secretary-General:

(a) 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 referred to in the present resolution;

(b) To assign, in consultation with the Special Committee, additional staff members to assist the Special Committee in the performance of its tasks;

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(c) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat;

(d) To report to the General Assembly at its thirty-first session on the tasks entrusted to him;

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

B

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973 and 3240 B (XXIX) of 29 November 1974,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. Deplores the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. Calls once more upon Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. Urges all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

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C

The General Assembly,

Recalling its resolution 3240 C (XXIX) of 29 November 1974,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 3/ in particular section V thereof concerning action by the Special Committee to implement the provisions of paragraph 3 of resolution 3240 C (XXIX),

Noting that the Special Committee was not able to submit to the General Assembly at its current session a full report in accordance with the request made in paragraph 3 of resolution 3240 C (XXIX),

1. Requests the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to continue its efforts to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction;

2. Requests the Secretary-General to continue to make available to the Special Committee all the facilities necessary in the performance of its tasks and to report to the General Assembly at its thirty-first session.

D

The General Assembly,

Recalling its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967 and 3240 (XXIX) of 29 November 1974 and Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971,

Taking note of the information contained in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 3/

Noting with concern the actions of the Israeli authorities in changing the institutional structure and established religious practices in the sanctuary of al-Ibrahimi mosque in the city of al-Khalil,

Considering that these actions constitute grave violations of human rights and religious freedom and of the norms of international law, in particular article 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/

Considering also that these violations of established religious rights are a challenge to the susceptibilities of hundreds of millions of Muslims all over the world,

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Considering furthermore that these violations, which have already caused civil and religious disturbances, constitute a new threat to peace and security in the area,

1. Declares all measures taken by the Israeli authorities with a view to changing the institutional structure and established religious practices in the sanctuary of al-Ibrahimi mosque in the city of al-Khalil null and void;

2. Calls upon Israel to rescind and to desist forthwith from all such measures;

3. Requests the Secretary-General to investigate the situation in al-Ibrahimi mosque by contacting the Islamic, Arab and other authorities concerned, and to report as soon as possible on the implementation of paragraph 2 above;

4. Calls upon Israel to co-operate with the Secretary-General and to facilitate his task.
