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QUESTION OF PALESTINE

SECURITY COUNCIL  
Thirty-fifth year

Letter dated 29 September 1980 from the Chairman of the  
Committee on the Inalienable Rights of the Palestinian  
People to the Secretary-General

As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your attention to the latest developments in the case of the Mayors of Hebron and Halhoul and the Sharia Judge of Hebron who were arbitrarily expelled by the Israeli military authorities from their respective cities. Since their expulsion, Israel, in defiance of Security Council resolutions 468 (1980) and 469 (1980), has refused to permit them to return and to resume their functions for which they were popularly elected and appointed.

The expulsion of the Mayors and of the Sharia Judge has been recognized as one more in a series of violations of the Fourth Geneva Convention of 1949, 1/ and in particular of article 49 which reads "Individual or mass forcible transfer, as well as deportation of protected persons from occupied territories to the territory of the occupying power, or to that of any other country, occupied or not, are prohibited, regardless of their motive". This notwithstanding, the Supreme Court of Israel has now, while criticizing the Government's action, upheld, by a split verdict, the expulsion of the Mayors and of the Sharia Judge of Hebron not on legal grounds but for considerations of security. It has also ruled that the Mayors, but not the Sharia Judge, have the right to appeal to an Israeli Military Review Committee, not in person but by proxy. The hearing of that appeal has been fixed for Wednesday, 8 October 1980.

Resolutions 468 (1980) and 469 (1980) of the Security Council called upon the Government of Israel, as the occupying power, to rescind the illegal measures taken and to facilitate the immediate return of these Palestinian leaders.

The action against these Palestinian leaders taken by the Government of Israel

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

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through its judicial organs seems to be a regrettable and provocative continuation of illegal measures referred to by the Security Council. Moreover, it would also appear to be contrary to the very essence of judicial practice if the subjects of the appeal are not permitted to appear at the hearing of such an appeal. As long as the Government of Israel maintains even a façade of judicial procedure, it would appear at the very least that these Palestinian leaders should be permitted to be present at the hearing of their appeal.

Paragraph 3 of Security Council resolution 469 (1980) requested you, as Secretary-General, inter alia, to continue your efforts in order to ensure the immediate implementation of that resolution. It would appear to the Committee that convincing the Government of Israel that it should permit these eminent, elected Palestinian leaders to return to their cities and to participate in the appeal of their case would be a positive and judicially correct step towards the implementation of the resolution.

I shall be glad, therefore, if you could exercise your good offices in an attempt to attain this objective - a small measure, perhaps, against the total requirement of the restoration of legitimate Palestinian rights, but one on which the international community is united.

May I request that this letter be circulated as a document of the General Assembly, under agenda item 24, and of the Security Council.

(Signed) Falilou KANE  
Chairman of the  
Committee on the Exercise  
of the Inalienable Rights  
of the Palestinian People

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