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DRAFT REPORT OF THE COMMISSION

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\* Documents E/CN.4/1995/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1995/L.11 and addenda.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE  
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

1. The Commission considered agenda item 4 at its 2nd to 8th meetings, from 31 January 1995 to 3 February 1995, concurrently with item 9 (see chap. IX), and its 29th meeting, on 17 February 1995.
2. The Commission had before it the following documents:  
Note verbale dated 18 April 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/3);  
Letter dated 4 July 1994 from the permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/8 - E/CN.4/Sub.2/1994/43);  
Note verbale dated 17 May 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/13);  
Note verbale dated 27 June 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/14);  
Report on the human rights situation in the Palestinian territories occupied since 1967, submitted by Mr. René Felber, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2A (E/CN.4/1995/19);  
Report of the Secretary-General (E/CN.4/1995/20);  
Report of the Secretary-General (E/CN.4/1995/21);  
Note by the Secretary-General (E/CN.4/1995/22).
3. At the 8th meeting, on 3 February 1995, Mr. René Felber, Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967, introduced his report (E/CN.4/1995/19) to the Commission.
4. In the general debate on agenda item 4, statements 3/ were made by the following members of the Commission: Algeria (4th), Australia (5th), Bangladesh (6th), Brazil (6th), Canada (6th), China (5th), Cuba (6th), Egypt (3rd), France (4th), India (4th), Indonesia (4th), Japan (4th), Malaysia (3rd), Mauritania (4th), Nicaragua (7th), Pakistan (6th),

Republic of Korea (6th), Russian Federation (7th), Sri Lanka (7th), the Sudan (3rd) and United States of America (4th).

5. The Commission also heard statements by the observers for: Israel (5th), Libyan Arab Jamahiriya (7th), Morocco (6th), Norway (6th), Palestine (2nd), Senegal (5th), Syrian Arab Republic (2nd) and Yemen (5th).

6. The Commission also heard statements by the following non-governmental organizations: Amnesty International (5th), Habitat International Coalition (5th), International Commission of Jurists (5th), International Confederation of Free Trade Unions (5th), Pax Christi International (3rd) and Women's International League for Peace and Freedom (4th).

7. At its 29th meeting, on 17 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

8. The representative of Mauritania introduced draft resolution E/CN.4/1995/L.3, sponsored by Algeria, Bahrain\*, Cuba, Mauritania, Morocco\*, Oman\*, Qatar\*, Saudi Arabia\*, the Sudan, Tunisia\* and Yemen\*. Egypt, China, Indonesia, Malaysia and Pakistan subsequently joined the sponsors.

9. The representative of the United States of America requested a vote; at the request of the representative of Mauritania, a roll-call vote was taken on the draft resolution.

10. The draft resolution was adopted by 26 votes to 2, with 21 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, the Sudan, Venezuela, Zimbabwe.

Against: Russian Federation, United States of America.

Abstaining: Australia, Austria, Benin, Bulgaria, Canada, Côte d'Ivoire, Ecuador, El Salvador, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Nicaragua, Peru, Poland, Romania, Togo, United Kingdom of Great Britain and Northern Ireland.

11. For the text as adopted, see chapter II, section A, resolution 1995/1.

12. On 6 February 1995, draft resolution E/CN.4/1995/L.4 had been submitted by the following countries: Algeria, Bahrain\*, Cuba, Egypt, the Islamic Republic of Iran\*, Kuwait\*, Lebanon\*, Libyan Arab Jamahiriya\*, Mauritania,

Morocco\*, Oman\*, Qatar\*, the Sudan, Syrian Arab Republic\*, Tunisia\*, United Arab Emirates\*, Viet Nam\* and Yemen\*. The draft resolution read as follows:

Human rights in the occupied Syrian Golan

"The Commission on Human Rights,

"Deeply concerned at the suffering of the population of the occupied Syrian Golan due to the violation of their human rights since the Israeli military occupation of 1967,

"Recalling Security Council resolution 497 (1981) of 17 December 1981,

"Recalling also all relevant General Assembly resolutions, including the latest, resolution 49/36 D of 9 December 1994, in which the Assembly, inter alia, called upon Israel to put an end to its occupation of the Arab Territories,

"Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

"Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations,

"Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/49/511) and, in this connection, regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

"Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

"Reaffirming its previous relevant resolutions, the most recent being resolution 1994/2 of 18 February 1994,

"1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly 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 was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

"2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

"3. Further calls upon Israel to stop its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and its practices of annexation, establishment of settlements, confiscation of lands, diversion of water resources and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

"4. 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 occupied Syrian Golan are null and void, 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;

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

"6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-second session;

"7. Decides to include in the provisional agenda of its fifty-second session, as a matter of high priority, the item entitled 'Question of the violation of human rights in the occupied Arab territories, including Palestine'."

13. At the 29th meeting, on 17 February 1995, the representative of the Syrian Arab Republic introduced a revised draft resolution E/CN.4/1995/L.4/Rev.1, sponsored by Algeria, Bahrain\*, Cuba, Egypt, Indonesia, Kuwait\*, Lebanon\*, Malaysia, Mauritania, Morocco\*, Oman\*, Qatar\*, Somalia\*, the Sudan, Sri Lanka, the Syrian Arab Republic\*, Tunisia\*, United Arab Emirates\*, Viet Nam\* and Yemen\*. Bangladesh, Iraq\*, Malaysia, Pakistan, Somalia\* and Sri Lanka subsequently joined the sponsors.

14. The representative of the United States of America requested a vote; at the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on the draft resolution.

15. The draft resolution was adopted by 25 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, the Sudan, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Benin, Bulgaria, Canada, Côte d'Ivoire, Ecuador, El Salvador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Netherlands, Nicaragua, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland.

16. For the text as adopted, see chapter II, section A, resolution 1995/2.

17. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.7, sponsored by Australia, Austria, Belgium\*, the Czech Republic\*, Denmark\*, Finland, France, Germany, Greece\*, Ireland\*, Italy, Luxembourg\*, Malta\*, the Netherlands, Portugal\*, Spain\*, Sweden\* and the United Kingdom of Great Britain and Northern Ireland. Canada, Egypt, Iceland\*, Japan, Liechtenstein\*, Malta\*, New Zealand\* and Switzerland\* subsequently joined the sponsors.

18. The representative of the United States of America requested a vote; at the request of the representative of France, a roll-call vote was taken on the draft resolution.

19. The draft resolution was adopted by 46 votes to 1, with 3 abstentions.  
The voting was as follows:

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, the Sudan, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zimbabwe.

Against: United States of America.

Abstaining: Benin, Cameroon and El Salvador.

20. For the text as adopted, see chapter II, section A, resolution 1995/3.

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