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Item 28 of the preliminary list*

THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL

Thirty-first year

Note by the Secretary-General

At its 1352nd meeting, on 13 February 1976, the Commission on Human Rights adopted resolution 2 (XXXII), entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East". This resolution is contained in the Commission's report on its thirty-second session (E/5768) of which the Economic and Social Council took note in resolution 1995 (LX). In conformity with paragraph 13 of resolution 2 (XXXII), the Secretary-General has the honour to bring this resolution to the attention of the members of the General Assembly and the Security Council.

* A/31/50.

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ANNEX

2 (XXXII). Question of the violation of human rights
in the territories occupied as a result of
hostilities in the Middle East

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling the pertinent United Nations resolutions on the situation in the occupied territories and the protection of the human rights and fundamental freedoms of the inhabitants of the occupied Arab territories,

Taking into account that the General Assembly has, in resolution 3376 (XXX), reaffirmed its resolution 3236 (XXIX), which confirmed the inalienable rights of the Palestinian people in Palestine, and has expressed grave concern that no progress has been achieved towards:

(a) The exercise by the Palestinian people of their inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty,

(b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX), which defines as an act of aggression the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,

Recalling also resolution IX adopted by the International Labour Conference at its fifty-ninth session, in 1974, which declares that any military occupation of territory constitutes in itself a permanent violation of basic human rights and fundamental freedoms and, in particular, of trade union and social rights,

Taking note of the reports of the United Nations and other international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants, in particular the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/10272),

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Greatly alarmed by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupation of these territories and the measures aiming at annexation, as well as the continuing destruction of homes, expropriation of Arab properties and ill-treatment of prisoners,

Deploring Israel's continued persistence in establishing settlements in the occupied Arab territories, implementing massive programmes of immigration, continuing the deportation and transfer of the indigenous population and refusing their return,

Recalling the conclusion of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that the Israeli occupying forces were responsible for the deliberate and total destruction of Quneitra and that this constituted a violation of article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and fell within the scope of article 147 of that Convention,

Seriously concerned that the population of the occupied Arab territories are hindered in the exercise of their inalienable rights to national education and cultural life,

1. Deplores once again Israel's continued grave violations, in the occupied Arab territories, of the basic norms of international law and of the relevant international conventions, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which are considered by the Commission on Human Rights as war crimes and an affront to humanity, as well as its persistent defiance of the relevant resolutions of the United Nations and its continued policy of violating the basic human rights of the inhabitants of the occupied Arab territories;

2. Reaffirms that military occupation of territory constitutes a grave threat to international peace and security and is, in itself, a continuous violation of the Charter of the United Nations and of the Universal Declaration of Human Rights;

3. Reaffirms further the condemnation of Israel for the deliberate destruction and devastation of the town of Quneitra and considers these acts as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. Calls upon Israel to take immediate steps for the return of the Palestinians and the other displaced inhabitants of the occupied Arab territories to their homes;

5. Calls upon Israel to desist forthwith from establishing new settlements in the occupied Arab territories and to commence immediately with the removal of the existing settlements;

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6. Deplores the measures taken by Israel to exploit the human, natural and all other resources and wealth of the occupied Arab territories and calls upon Israel immediately to rescind all such measures and to compensate and make full restitution for the exploitation and depletion of their human and natural resources;

7. Declares that all measures taken by Israel to change the physical character, the demographic structure and the status of occupied Arab territories are null and void, and considers these changes as an impediment to the achievement of a just and lasting peace;

8. Reaffirms its call upon Israel to ensure freedom of worship and accord the esteem, regard and protection due to the religious shrines and personalities in accordance with the established traditions in the region, particularly in Jerusalem, which have been fully respected by all authorities throughout the centuries;

9. Declares all measures taken by Israel 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;

10. Calls upon all States not to recognize any such changes and measures carried out by Israel in the occupied Arab territories and invites them to do their utmost to ensure that Israel respects the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

11. Censures in the strongest terms all measures taken by Israel to change the status of Jerusalem;

12. Condemns in particular the following Israeli policies and practices:

(a) Measures aiming at annexation of parts of the occupied territories;

(b) The intensification of action aiming at 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 and 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;

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(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 hindrance of the exercise by the population of the occupied territories of their rights to national education and cultural life;

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

14. Decides to place on the provisional agenda of its thirty-third session, as a matter of high priority, the item entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East".
