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Item 34 of the preliminary list\*

THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL

Thirty-seventh year

Note by the Secretary-General

At its 17th meeting, on 11 February 1982, the Commission on Human Rights adopted resolutions 1982/1 A and B, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine". In conformity with paragraph 13 of resolution 1982/1 A and paragraph 6 of resolution 1982/1 B, the Secretary-General has the honour to bring these resolutions to the attention of the members of the General Assembly and the Security Council.

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\* A/37/50/Rev.1.

ANNEX

Resolutions 1982/1 A and B adopted by the Commission on Human Rights at its 17th meeting, on 11 February 1982

1982/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

A

The Commission on Human Rights,

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 a/ and of other relevant conventions and regulations,

Taking into consideration that the General Assembly has adopted resolution 3314 (XXIX) of 14 December 1974, which defined 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 General Assembly resolutions ES-7/2 of 29 July 1980, 36/15 of 28 October 1981, 36/120 of 10 December 1981, 36/147 of 16 December 1981 and 36/226 of 17 December 1981, and all General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980.

Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization concerning the conditions of the population in the Palestinian and other occupied Arab territories since 1967, including Jerusalem,

Taking note of the report "Review of the economic conditions of the Palestinian people in the occupied Arab territories" b/ prepared by the secretariat of the United Nations Conference on Trade and Development,

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

b/ TD/B/870.

Recalling its resolution 1 (XXXVII) of 11 February 1981 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine", and previous resolutions of the Commission on Human Rights on this subject,

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the Palestinian and other Arab occupied territories;
2. Reiterates the alarm deeply expressed by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its reports submitted to the General Assembly at its thirty-fourth, c/ thirty-fifth d/ and thirty-sixth e/ sessions, that Israel's policy in the occupied territories is based on the so-called "Homeland" doctrine which envisages a mono-religious (Jewish) State that includes also territories occupied by Israel since June 1967, and the affirmation by the Special Committee that this policy not only denies the rights to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights;
3. Declares that Israel's grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the Additional Protocols to the Geneva Conventions f/ are war crimes and an affront to humanity;
4. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and alter its physical character, demographic composition, institutional structure and status, and considers all these measures and their consequences null and void;
5. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:
  - (a) The annexation of parts of the occupied territories, including Jerusalem;
  - (b) The establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto;

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c/ A/34/631.

d/ A/35/425.

e/ A/36/632/Add.1 and Add.1/Corr.1.

f/ A/32/144, annexes I and II.

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(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;

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

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

(f) The destruction and demolition of Arab houses;

(g) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population and the torture of persons under detention, and the inhuman conditions in prisons;

(h) The pillaging of archaeological and cultural property;

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

(j) The systematic Israeli repression against universities in the occupied Palestinian territories, restricting and impeding academic activities of Palestinian universities by subjecting selections of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities;

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

6. Calls upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967;

7. Calls upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the expelled Mayors of Hebron and Halhoul so that they can resume the functions for which they were elected and appointed;

8. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 4 and 5 above;

9. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment

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of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

10. Reiterates its call to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution;

11. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-ninth session on the implementation of paragraphs 4, 5 and 9 above;

12. Renews its request to the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its thirty-ninth session;

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

14. Further requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of those occupied territories;

15. Decides that a seminar on "Violations of human rights in the Palestinian and other Arab territories occupied by Israel" be held at the United Nations Office at Geneva and requests the Secretary-General to make the appropriate arrangements for the organization of this seminar and to report to the Commission on Human Rights at its thirty-ninth session;

16. Decides to place on the provisional agenda of the thirty-ninth session as a matter of high priority the item entitled "Question of the violation of human rights in the Arab occupied territories, including Palestine";

B

The Commission on Human Rights,

Recalling its resolution 1 B (XXXVII) of 11 February 1981 and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91 A of 13 December 1977,

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33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980 and 36/147 of 16 December 1981,

Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

Recalling resolution III on the application of the Fourth Geneva Convention of 12 August 1949 adopted by the XXIVth International Conference of the Red Cross held at Manila in November 1981,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

Recognizing that the persistent failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 g/ creates a situation fraught with danger,

Taking into account that States parties to the Fourth Geneva Convention of 12 August 1949 undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Expresses its deep concern at the consequences of Israel's systematic refusal to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem;

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

3. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

4. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem;

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

5. Urged once more 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;
6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.

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