



Economic and Social
Council

Distr.
LIMITED

E/CN.4/S-5/L.2
18 October 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifth special session
Agenda item 3

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE
OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED
TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Algeria*, Bahrain*, Bangladesh, Brunei Darussalam*, China, Cuba, Egypt*, Indonesia,
Iran (Islamic Republic of)*, Iraq*, Jordan*, Kuwait*, Lebanon*, Malaysia*, Mauritania*,
Morocco, Niger, Oman*, Pakistan, Palestine*, Qatar, Saudi Arabia*, Senegal, Somalia*,
Sudan, Tunisia, Turkey*, United Arab Emirates*, Yemen*: draft resolution

S-5/...

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Grave and Massive Violations of the Human Rights of the Palestinian People by Israel

The Commission on Human Rights,

Meeting in special session,

Guided by the purposes and principles of the Charter of the United Nations and the various provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Guided also by the provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and in particular Part I, paragraphs 2 and 3 relative to the right of self-determination for all peoples and especially those subject to foreign occupation,

Reaffirming the need for full respect of the holy places of the City of Jerusalem and condemning any behaviour to the contrary,

Condemning in particular the provocative visit to the Haram al-Sharif on 28 September 2000 by Mr. Ariel Sharon, the Likud party leader, which triggered the tragic events that followed in occupied East Jerusalem and other places in the occupied Palestinian territories which resulted in a high number of deaths and injuries among Palestinian civilians,

Seriously alarmed that a third of those who have been killed from 28 September 2000 to this day by the Israeli armed forces are children, in blatant and flagrant violation of article 6 of the Convention on the Rights of the Child,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a jus cogens in international law.

Recalling Security Council resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, 1073 (1996) of 28 September 1996 and 1322 (2000) of 7 October 2000,

Recalling in particular paragraph 5 of Security Council resolution 1322 (2000) in which the Security Council stressed the importance of establishing a mechanism of inquiry into the recent tragic events, with the aim of preventing their repetition, and welcomed any efforts in that regard,

Recalling also its previous resolutions on the situation of human rights in the occupied Palestinian territories, including Jerusalem, the most recent of which was resolution 2000/6, of 17 April 2000,

Taking note of the report of the Special Rapporteur, Mr. Giorgio Giacomelli (E/CN.4/2000/25) regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/54/325 and A/54/73 and Add.1),

Recalling the decision taken by the conference of High Contracting Parties to the Fourth Geneva Convention, of 15 July 1999, on the applicability of the Fourth Geneva Convention to the occupied Palestinian territories, including East Jerusalem,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights, and to prevent such violations,

Reaffirming that the essential and inalienable human rights are non-derogable,

Gravely concerned at the widespread, systematic and gross violations of human rights perpetrated by the Israeli occupying Power, in particular mass killings, collective punishments, such as demolition of houses and closure of the Palestinian territories, measures which constitute crimes against humanity and flagrant violations of international humanitarian law,

Taking into account the provisions of international law and international humanitarian law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the Additional Protocols thereto of 1977 and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990 which prescribe that such officials should, inter alia, “minimize damage and injury, and respect and preserve human life” and “ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm”,

Noting with great concern the continued refusal by Israel to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights, and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territories, including East Jerusalem,

Stressing the need for the immediate and full compliance by Israel with its obligations under the relevant human rights and humanitarian law instruments and stressing in particular the urgent need to provide full protection for Palestinian civilians in the occupied Palestinian territories,

Conscious of the serious dangers arising from persistent violations and grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the responsibility arising therefrom,

Reiterating the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects,

1. Expresses its sympathy to the bereaved families of the victims of the Israeli occupying Power;
2. Reaffirms the permanent and unqualified Palestinian right to self-determination, including the option of a State, and looks forward to the early fulfilment of this right;
3. Strongly condemns the disproportionate use of force in violation of international humanitarian law by the Israeli occupying Power against innocent and unarmed Palestinian civilians in the occupied territories, causing the death of more than one hundred and the wounding of over three thousand Palestinian civilians;
4. Affirms that the Israeli military occupation in itself constitutes a grave violation of the human rights of the Palestinian people;
5. Also affirms that the deliberate and systematic killing of civilians and children by the Israeli occupying authorities constitutes a flagrant and grave violation of the right to life and also constitutes a crime against humanity;
6. Further affirms that the destruction of Palestinian houses by shelling, and land or air missiles in an act of collective punishment constitutes an aggression, a disproportionate use of force, a blatant violation of the provisions and principles of international humanitarian law and also constitutes a crime against humanity;

7. Declares that the excessive and unabated use of force against unarmed Palestinians in the occupied territories is a provocative act and a deliberate grave breach by the Israeli occupying Power of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

8. Strongly condemns the killing of Palestinian worshipers inside the Al-Aqsa Mosque by the Israeli armed forces and also condemns their aggressions against holy Christian and Islamic sanctuaries, particularly against the Al-Aqsa Mosque, and the repeated attempts to set ablaze, demolish and obstruct the freedom of worship in this mosque, as was the case on Friday, 29 September 2000;

9. Also strongly condemns all acts of provocation by Israeli extremists, particularly the premeditated and planned visit of Mr. Ariel Sharon, leader of the Likud party, to the Holy City of Al-Quds-al-Sharif on 28 September 2000, which offended the religious sentiments of the Palestinian people as well as Islamic peoples and triggered violence in the occupied Palestinian territories;

10. Reaffirms that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which attempt to change the legal status of Jerusalem are invalid and illegal, and calls upon Israel to desist forthwith from taking any further action which tends to change the status of Jerusalem;

11. Calls upon Israel, the occupying Power, to put an immediate end to any use of force by its military forces against unarmed civilians and calls upon the international community to take immediate effective measures to secure cessation of violence by the Israeli occupying Power and an end to the ongoing violations of the human rights of the Palestinian people;

12. Also calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

13. Urges the international community to ensure the protection of and extend humanitarian assistance to the Palestinian people who are facing a threat to their existence in the face of the massive deployment of heavily armed Israeli forces;

14. Decides to:

(a) Establish, on an urgent basis, an international commission of inquiry for Palestine, whose membership should be selected on the basis of the principles of independence and objectivity, with a mandate to:

- (i) Investigate the causes and perpetrators of the crimes mentioned in the present resolution;
- (ii) Determine responsibility for the human rights violations in the occupied Palestinian territories;
- (iii) Suggest ways and means of preventing repetition of the recent tragic events;
- (iv) Provide the Commission on Human Rights with its conclusions to enable it to make recommendations on future action;

(b) Request the United Nations High Commissioner for Human Rights to:

- (i) Undertake an urgent visit to the occupied Palestinian territories to take stock of the persistent, gross and systematic violations of the human rights of the Palestinian people by the Israeli forces;
- (ii) Facilitate the activities of the mechanisms of the Commission on Human Rights in implementation of the present resolution;
- (iii) Keep the Commission informed of developments;
- (iv) Report to the Commission on Human Rights at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session;

(c) Request the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Representative of the Secretary-General for internally displaced persons, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on religious intolerance, the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and the Working Group on Enforced or Involuntary Disappearances to carry out immediate missions to the occupied Palestinian territories and report the findings to the Commission on Human Rights at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session;

(d) Request the United Nations treaty bodies to give immediate consideration to the situation of human rights in the occupied Palestinian territories and to seek reports from Israel regarding its obligations under the United Nations conventions on human rights;

(e) Call upon the High Contracting Parties to the Fourth Geneva Convention to convene again their Conference in the light of the development of the situation in the field, in implementation of its decision dated 15 July 1999, with a view to ensuring respect of the Fourth Geneva Convention in the occupied Palestinian territories, including East Jerusalem;

(f) Request the High Commissioner to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, and international humanitarian organizations, and to ensure the widest possible dissemination of the text of the resolution and to report on its implementation by the Government of Israel to the Commission at its next session;

15. Decides to consider this question at its fifty-seventh session under item 8 of its provisional agenda, as a matter of high priority;

16. Requests the Economic and Social Council to meet on an urgent basis in order to act on the proposals contained in the present resolution.
