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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Kais **Kabtani** (Tunisia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories” and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee held a general debate on the item at its 22nd and 23rd meetings, on 8 and 10 November, and took action on the item at its 24th and 25th meeting, on 17 and 24 November (see A/C.4/59/SR.22, 23, 24 and 25).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the occupied Syrian Golan (A/59/338);

(b) Report of the Secretary-General on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories (A/59/339);

(c) Report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (A/59/343);

(d) Report of the Secretary-General on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/59/344);

(e) Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/59/345);

(f) Note by the Secretary-General transmitting 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/59/381).

4. At the 22nd meeting, on 8 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee contained in document A/59/381 (see A/C.4/59/SR.22).

5. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (*ibid.*).

II. Consideration of proposals

6. At the 24th meeting, on 17 November, the representative of the Netherlands (on behalf of the European Union) and the observer of Palestine proposed to defer action on the draft resolutions before the Committee under agenda item 76 (see A/C.4/59/SR.24).

7. At the 25th meeting, on 24 November, statements in explanation of vote on draft resolutions were made by the representatives of Australia, Haiti, Canada and the Bolivarian Republic of Venezuela (see A/C.4/59/SR.25).

A. Draft resolution A/C.4/59/L.14

8. At the 24th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/59/L.14). Subsequently Mali, Namibia and Senegal joined in sponsoring the draft resolution.

9. At the 25th meeting, on 24 November, Bangladesh and South Africa also joined in sponsoring the draft resolution.

10. At the same meeting, the Secretary of the Committee made a statement on the programme budget implications of the draft resolution (see A/C.4/59/SR.25).

11. Also at the same meeting, the Committee adopted draft resolution A/C.4/59/L.14 by a recorded vote of 80 to 6, with 74 abstentions (see para. 27, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ghana, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Argentina, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan.

B. Draft resolution A/C.4/59/L.15 and Rev.1

12. At the 24th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Mali,¹ Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories" (A/C.4/59/L.15).

13. At the 25th meeting, on 24 November, the Committee had before it a revised draft resolution contained in document A/C.4/59/L.15/Rev.1, which was additionally

¹ The delegation of Mali subsequently indicated that it had withdrawn from sponsoring the draft resolution.

sponsored by Bangladesh, Namibia, Senegal and South Africa. The revised draft resolution contained the following changes:

(a) A new preambular paragraph was inserted after the first preambular paragraph, reading:

“Recalling also its resolution ES-10/15 of 20 July 2004”;

(b) The seventh (former sixth) preambular paragraph, which read:

“Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and noting in particular the Court’s finding that the Fourth Geneva Convention remains applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Conventions”;

was replaced by two paragraphs, reading:

“Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and also recalling General Assembly resolution ES-10/15,”

“Noting in particular the Court’s reply, including that the Fourth Geneva Convention is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention”;

(c) At the beginning of operative paragraph 3, the words:

“Calls upon all High Contracting Parties to the Convention, in compliance with article 1 common to the four Geneva Conventions and in respect of the advisory opinion” were replaced by the words:

“Calls upon all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion”.

14. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.15/Rev.1 by a recorded vote of 151 to 4, with 8 abstentions (see para. 27, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia,

Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Australia, Cameroon, Haiti, Kenya, Papua New Guinea, Uganda, Uzbekistan.

C. Draft resolution A/C.4/59/L.16 and Rev.1

15. At the 24th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan” (A/C.4/59/L.16).

16. At the 25th meeting, on 24 November, the Committee had before it a revised draft resolution contained in document A/C.4/59/L.16/Rev.1, which was also sponsored by Bangladesh, Mali,² Namibia, Senegal, South Africa and the Bolivarian Republic of Venezuela. The revised draft resolution contained the following changes:

(a) At the end of the second preambular paragraph, the words “including resolution ES-10/15 of 20 July 2004” were deleted;

(b) In the fifth preambular paragraph, before the words “Additional Protocol I”, the words “constitutes a grave breach under” were replaced by the words “relevant provisions of customary law, including those codified in”;

(c) The sixth preambular paragraph, which read:

*“Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*”*

was replaced by:

² The delegation of Mali subsequently indicated that it had withdrawn from sponsoring the draft resolution.

“*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and recalling also General Assembly resolution ES-10/15 of 20 July 2004”;

(d) At the beginning of the seventh preambular paragraph, the words, “*Underscoring* the conclusion of the Court in its advisory opinion” were replaced by the words “*Noting* that the Court concluded”;

(e) In the eleventh preambular paragraph, after the words “settlement activities”, the words “in colonization of the land” were deleted;

(f) The fifteenth preambular paragraph, which read:

“*Deeply concerned* by the finding of the International Court of Justice in its advisory opinion of 9 July 2004 that “the wall’s sinuous route has been traced in such a way as to include within that area [the ‘Closed Area’] the great majority of the Israeli settlements in the occupied Palestinian Territory”,

was replaced by:

“*Deeply concerned* that the wall’s route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem”;

(g) Operative paragraph 4, which read:

“*Reiterates its demand* that Israel comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolution ES-10/15”

was replaced by:

“*Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice”.

17. At the same meeting, the representative of the Netherlands, on behalf of the European Union, orally revised the fifth preambular paragraph by replacing the word “violation” with the word “breach” before the words “of the Fourth Geneva Convention”.

18. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.16/Rev.1, as orally revised, by a recorded vote of 149 to 5, with 9 abstentions (see para. 27, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic

of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Cameroon, Dominican Republic, Haiti, Kenya, Nicaragua, Tonga, Uganda, Uzbekistan.

D. Draft resolution A/C.4/59/L.17 and Rev.1

19. At the 24th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem" (A/C.4/59/L.17).

20. At the 25th meeting, on 24 November, the Committee had before it a revised draft resolution contained in document A/C.4/59/L.17/Rev.1, which was also sponsored by Bangladesh, Namibia, Senegal and South Africa. The revised draft resolution contained the following changes:

(a) At the end of the first preambular paragraph, the words "including resolution ES-10/15 of 20 July 2004" were deleted;

(b) The sixth preambular paragraph, which read:

"Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and noting in particular the conclusion of the Court that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, constitutes breaches by Israel of a number of its obligations under the applicable international humanitarian laws and human rights instruments",

was replaced by:

“*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolution ES-10/15 of 20 July 2004”;

(c) After the sixth preambular paragraph, a new preambular paragraph was inserted, reading:

“*Noting in particular* the Court’s reply, including that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law”;

(d) At the beginning of the eighth (former seventh) preambular paragraph, the words “*Bearing in mind*” were replaced by the word “*Recalling*”; at the end of the paragraph the words “and that the protection offered by human rights conventions does not cease in case of armed conflict” were deleted;

(e) In the fifteenth (former fourteenth) preambular paragraph, the words “military attacks” were replaced by the words “military actions”, and the words “more than 750 children” were replaced by the words “hundreds of children”;

(f) In the seventeenth (former sixteenth) preambular paragraph, after the word “including”, the words “the destruction of homes and properties” were deleted.

(g) At the beginning of operative paragraph 1, the word “*Determines*” was replaced by the word “*Reiterates*”;

(h) In the operative paragraph 2, before the word “breach”, the word “grave” was deleted;

(i) Operative paragraph 4, which read:

“*Condemns also* all unlawful actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory since September 2000, including, inter alia, in the Jenin refugee camp in April 2002, the Rafah refugee camp in May 2004 and the Jabaliya refugee camp in October 2004, which led to extensive loss of life, injury, widespread destruction and the displacement and dispossession of many Palestinian civilians”

was replaced by two paragraphs, reading:

“4. *Condemns also* the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, widespread destruction and displacement inflicted on many of its civilian inhabitants;

“5. *Condemns further* the killing of Palestinian civilians and the widespread demolition of homes by Israel, the occupying Power, in the Rafah refugee camp in May 2004 and in the Jabaliya refugee camp in October 2004”;

(j) Operative paragraph 6 (former paragraph 5), which read:

“6. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people and that it abide scrupulously by its obligations under human rights law”,

was replaced by:

“6. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people, and calls upon Israel to respect human rights law and to comply with its obligations”.

21. At the same meeting, the representative of the Netherlands on behalf of the European Union, orally revised draft resolution A/C.4/59/L.17/Rev.1 as follows:

(a) At the end of the eighth preambular paragraph, the words “the determination by the Court that these instruments are applicable in the Occupied Palestinian Territory” were replaced by the words “affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem”;

(b) After the twelfth preambular paragraph a new preambular paragraph was inserted, reading:

“*Reaffirming* that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens”;

(c) In the fifteenth (former fourteenth) preambular paragraph, before the words “use of force”, the words “and indiscriminate” were deleted;

(d) The seventeenth (former sixteenth) preambular paragraph, which read:

“*Gravely concerned also* by the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury”, was deleted;

(e) In operative paragraph 3, before the words “use of force”, the words “and indiscriminate” were deleted;

(f) A new operative paragraph 4 was inserted, reading:

“4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury”;

(g) In operative paragraph 7 (former paragraph 6), before the word “respect”, the words “and calls upon Israel to” were deleted;

(h) In operative paragraph 8 (former paragraph 7) after the words “resolution ES-10/15”, the words “and resolution ES-10/13 of 21 October 2003” were inserted; before the words “it cease”, the word “accordingly” was deleted.

22. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.17/Rev.1, as orally revised, by a recorded vote of 142 to 6, with 15 abstentions (see para. 27, draft resolution IV).

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic

Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Cameroon, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Kenya, Nicaragua, Papua New Guinea, Tonga, Uganda, Uzbekistan.

E. Draft resolution A/C.4/59/L.18

23. At the 24th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/59/L.18).

24. At the 25th meeting, on 24 November, Bangladesh, Namibia, Senegal, South Africa and the Bolivarian Republic of Venezuela joined in sponsoring the draft resolution.

25. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.18 by a recorded vote of 152 to 1, with 9 abstentions (see para. 27, draft resolution V). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala,

Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel.

Abstaining:

Albania, Cameroon, Dominican Republic, Haiti, Kenya, Marshall Islands, Micronesia (Federated States of), Tonga, United States of America.

26. At the same meeting, after the vote on the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.4/59/SR.25).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

27. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ as well as international standards of human rights, in particular the Universal Declaration of Human Rights² and the International Covenants on Human Rights,³

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 58/96 of 9 December 2003, and the relevant resolutions of the Commission on Human Rights,

Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁴ and recalling in this regard General Assembly resolution ES-10/15 of 20 July 2004,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuation of the tragic events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁵ and the relevant reports of the Secretary-General,⁶

¹ United Nations, *Treaty Services*, vol. 75, No. 973.

² Resolution 217 A (III).

³ Resolution 2200 A (XXI), annex.

⁴ See A/ES-10/273 and Corr.1.

⁵ See A/59/381.

⁶ A/59/338, A/59/339, A/59/343, A/59/344 and A/59/345.

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁷ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early end and that therefore the violation of the human rights of the Palestinian people will cease, and recalling in this regard its resolution 58/292 of 6 May 2004,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;⁵

4. *Expresses grave concern* about the continuing crisis situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 3,400 Palestinian deaths, including those of more than 750 children, and tens of thousands of injuries;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

⁷ A/48/486-S/26560, annex.

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its sixtieth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection
of Civilian Persons in Time of War, of 12 August 1949, to the
Occupied Palestinian Territory, including East Jerusalem, and
the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions, including its resolution 58/292 of 6 May 2004,

Recalling also its resolution ES-10/15 of 20 July 2004,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations Annexed to the Hague Convention IV of 1907,¹ the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² and relevant provisions of customary law, including those codified in Additional Protocol I³ to the four Geneva Conventions,⁴

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁵ and the relevant reports of the Secretary-General,⁶

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,⁷ and also recalling General Assembly resolution ES-10/15,

Noting in particular the Court's reply, including that the Fourth Geneva Convention² is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

Noting the convening for the first time, on 15 July 1999, of a Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions, and aware of the statement adopted by the Conference,

Welcoming the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 in Geneva and stressing the importance of the Declaration adopted by the Conference, and underlining the need for the parties to follow up the implementation of the Declaration,

¹ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

² United Nations, *Treaty Series*, vol. 75, No. 973.

³ *Ibid.*, vol. 1125, No. 17512.

⁴ *Ibid.*, vol. 74, Nos. 970-973.

⁵ See A/59/381.

⁶ A/59/338, A/59/339, A/59/343, A/59/344 and A/59/345.

⁷ See A/ES-10/273 and Corr.1.

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions⁴ and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,⁷ to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions of its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution III

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those resolutions adopted at its tenth emergency special session,

Recalling also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies is a breach of the Fourth Geneva Convention¹ and relevant provisions of customary law, including those codified in Additional Protocol I² to the Geneva Conventions,³

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁴ and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting that the Court concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,⁵

Taking note of the recent report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,⁶

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993⁷ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian Conflict,⁸ and noting specifically its call for a freeze on all settlement activity,

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² *Ibid.*, vol. 1125, No. 17512.

³ *Ibid.*, vol. 75, Nos. 970-973.

⁴ See A/ES-10/273 and Corr.1.

⁵ *Ibid.*, para. 120.

⁶ See A/59/256.

⁷ A/48/486-S/26560, annex.

⁸ S/2003/529/, annex.

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reiterating its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

Taking note of the relevant reports of the Secretary-General,⁹

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular Article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

⁹ A/59/338, A/59/339, A/59/343, A/59/344, A/59/345 and A/59/381.

4. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;⁴

5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;

7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories¹ and the report of the Secretary-General,²

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights³ and the recent reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,⁴

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,⁵ and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Recalling the International Covenant on Civil and Political Rights,⁶ the International Covenant on Economic, Social and Cultural Rights⁶ and the Convention on the Rights of the Child,⁷ and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ to the Occupied

¹ See A/59/381.

² A/59/345.

³ E/CN.4/2001/121.

⁴ See E/CN.4/2004/6 and Add.1 and A/59/256.

⁵ See A/ES-10/273 and Corr.1.

⁶ See resolution 2200 A (XXI), annex.

⁷ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁸ *Ibid.*, vol. 75, No. 973.

Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention⁹ under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁹

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the military actions that have been carried out since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including hundreds of children, and tens of thousands of injuries,

Expressing deep concern about the extensive destruction caused by the Israeli occupying forces, including of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Expressing deep concern also about the Israeli policy of closure and the severe restrictions, including curfews, that continue to be imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres under harsh conditions impairing their well-being, and also expressing concern about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

⁹ S/2003/529, annex.

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁸ and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949⁸ and cease immediately all measures and actions taken in violation and in breach of the Convention, including the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury;

5. *Condemns* the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, widespread destruction and displacement inflicted on many of its civilian inhabitants;

6. *Condemns also* the killing of Palestinian civilians and the widespread demolition of homes by Israel, the occupying Power, in the Rafah refugee camp in May 2004 and in the Jabaliya refugee camp in October 2004;

7. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people, respect human rights law and comply with its obligations;

8. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/13 of 21 October 2003, and that it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

9. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

10. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution V

The occupied Syrian Golan

The General Assembly,

Having considered 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,¹

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

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

Recalling also its previous relevant resolutions, the last of which was resolution 58/100 of 9 December 2003,

Having considered the report of the Secretary-General submitted in pursuance of resolution 58/100,²

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel 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 international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³ to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council 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, 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 in particular to desist from the establishment of settlements;

¹ See A/59/381.

² A/59/338.

³ United Nations, *Treaty Series*, vol. 75, No. 973.

3. *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 1949,³ and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.
