

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
LIMITED
E/CN.4/L.1421
16 February 1979
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-fifth session
Agenda item 4

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

Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco,
Nigeria, Pakistan, Senegal, Syrian Arab Republic
and Yugoslavia: draft resolution

PART 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 and of other relevant conventions and regulations,

Recalling General Assembly resolutions, 32/5, 32/14, 32/20, 32/40, 32/42, 32/90, 32/91, 32/122, 32/161, 32/171 and 33/113,

Taking into account that the General Assembly has, in resolution 31/20, recalled its resolution 3376 (XXX), in which it expressed grave concern that no progress has been achieved towards:

(a) The exercise by the Palestinian people of its 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 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 the statement by the Security Council at its 1969th meeting, on 11 November 1976, by which the Council, inter alia, expressed its grave anxiety and concern over the serious situation in the occupied Arab territories as a result of continued Israeli occupation,

Taking note of the reports of the United Nations organs, specialized agencies and in particular the reports of UNESCO, ILO and WHO, and international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants,

Taking into account the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which contained, inter alia, public statements made by leaders of the Government of Israel, indicating Israel's determination to pursue and consolidate its expansionist and annexationist policies,

Noting with deep concern the conclusion arrived at by the Special Committee that "The Government of Israel consciously follows a policy which is in violation of the Fourth Geneva Convention, in particular, article 47 which prohibits annexation of territories under military occupation of the occupying power and article 49 which prohibits the transfer of citizens of the occupying power into the occupied territories",

Greatly concerned by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupied Arab territories, particularly the measures aiming at annexation, as well as the continuing establishment of settlers' colonies, mass destruction of homes, torture and ill-treatment of detainees, expropriation of properties and imposition of economic and fiscal measures aimed at the dispossession and exploitation of the population of the occupied territories,

Expressing its grave anxiety and concern over the deteriorating serious situation in the occupied Arab territories as a result of continued Israeli occupation and aggression, in particular:

- (a) The intensification of the establishment of settlers' colonies;
- (b) The continued and increasing use of arbitrary detention, torture, ill-treatment and cruel treatment of Arab detainees and prisoners;
- (c) Collective punishment, in particular the blowing up of Arab houses;

1. 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 and property.

2. 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 are war crimes and an affront against humanity.

3. Condemns the following Israeli policies and practices:

- (a) The annexation of parts of the occupied territories;
- (b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;
- (c) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;
- (d) 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;
- (e) The destruction and demolition of Arab houses;
- (f) Mass arrests, administrative detention and ill-treatment of the Arab population;
- (g) The ill-treatment and torture of persons under detention;
- (h) The pillaging of archaeological and cultural property;
- (i) The interference with religious freedoms and practices as well as family rights and customs;
- (j) The continuous interference with and obstruction of the educational and scholastic activities and the brutal suppression of all forms of students' opinion, expression and manifestations;
- (k) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

4. Further condemns administrative and legislative measures by the Israeli authorities to encourage, promote and expand the establishment of settlers' colonies in the occupied territories, which further demonstrate Israel's determination to annex those territories;

5. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new settlers in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

6. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 4, 5 and 6 above;
7. Demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;
8. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories, and to accord to them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war;
9. 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-sixth session;
10. Condemns once more the massive deliberate destruction of Quneitra perpetrated during Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974, and considers this act a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
11. Reiterates its call upon 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 4 of that Convention, and upon international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories 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 of the other policies and practices referred to in the present resolution;
12. Calls upon Israel to report, through the Secretary-General, to the Commission at its thirty-sixth session on the implementation of paragraphs 2, 7, 8 and 9 above;
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 in particular ILO, UNESCO and WHO, 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-sixth session;
14. Decides to place on the provisional agenda of the thirty-sixth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", and 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 civilians of those territories.

PART B

The Commission on Human Rights,

Recalling its resolution 1 B (XXIV) and General Assembly resolutions 3092 A (XXVIII), 32/91 A, and 33/113 A,

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,

Recalling resolution 10, on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in the occupied territories in the Middle East, of the Twenty-third International Conference of the Red Cross held in Bucharest in October 1977,

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

1. Expresses its deep concern at the consequences of Israel's refusal to apply fully and effectively the Geneva Convention relative to the Protection of Civilian Persons in Time of War in all its provisions to all the 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. Strongly deplores 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 obligation 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 all the Arab territories occupied since 1967, including Jerusalem;

5. Urges once more all States parties of 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.