

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
LIMITED  
E/CN.4/L.1426  
21 February 1979  
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Thirty-fifth session  
Agenda item 29

DRAFT REPORT OF THE COMMISSION

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<sup>\*/</sup> E/CN.4/L.1426 and addenda will contain the resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council. The chapters of the report relating to the organization of the session and the various items on the agenda will be contained in documents E/CN.4/L.1425 and addenda.

Chapter ... RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS THIRTY-FIFTH SESSION

A. Resolutions

1 (XXXV). Question of the violation of human rights in  
the occupied Arab territories, including  
Palestine

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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 (XXXIX), 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,

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1/ Adopted at the 1489th meeting, on 21 February 1979, by a roll-call vote of 20 in favour, 2 against and 9 abstentions. See chap. ... above.

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 with 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 3, 4 and 5 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 1 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 1, 6, 7 and 8 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.

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The Commission on Human Rights,

Recalling its resolution 1 B (XXXIV) 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 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 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.

2 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 3/

The Commission on Human Rights,

Recalling General Assembly resolutions 1514 (XV), 3236 (XXIX), 3375 (XXX), 3376 (XXX), 32/14, 32/20, 32/40, 32/42 and 33/26,

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI),

Reaffirming its resolutions 3 (XXXI), 6 (XXXI), 2 (XXXIV) and 3 (XXXIV),

Bearing in mind the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/32/35),

Bearing in mind further General Assembly resolution 32/40 B on the International Day of Solidarity with the Palestinian People,

Recognizing that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and other relevant United Nations resolutions,

Expressing its grave concern that the Palestinian people have been prevented by force from enjoying their inalienable rights, in particular their right to self-determination,

1. Affirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine;

2. Reaffirms the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return in the exercise of their right to self-determination;

3. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations;

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3/ Adopted at the 1489th meeting, on 21 February 1979, by a roll-call vote of 23 in favour, 3 against and 5 abstentions. See chap. ... above.

4. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter.

5. Requests the Secretary-General to make available to the Commission on Human Rights and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights, which was established by General Assembly resolution 32/40 B.

3 (XXXV). The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation <sup>4/</sup>

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the importance of its implementation,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976 and 3 (XXXIV) of 14 February 1978, and General Assembly resolution 33/24 of 29 November 1978,

Recalling the Declaration made by the Ministers of Foreign Affairs of the Non-Aligned Countries in Belgrade, 1978,

Stressing the importance of the effective realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the enjoyment of human rights,

Reiterating its profound indignation at the continued and serious violations of human rights of the peoples still under colonial or alien domination or foreign occupation, the continuation of the illegal occupation of Namibia, and South Africa's attempts to disregard the United Nations resolutions on this problem and its solution, the perpetuation of the racist minority régimes in Zimbabwe and South Africa, and the denial to the people of Palestine of their inalienable rights,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and alien domination;

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<sup>4/</sup> Adopted at the 1489th meeting, on 21 February 1979 by a roll-call vote of 23 in favour, 4 against and 4 abstentions. See chap. ... above.



2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the peoples of Namibia, Zimbabwe, South Africa and the people of Palestine and of all peoples under alien and colonial domination, to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;

4. Condemns the practice of using mercenaries against national liberation movements and sovereign States as a criminal act and the mercenaries themselves as criminals, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territory and their transit through it to be punishable offences and prohibiting their nationals from serving as mercenaries, and to inform the Commission of the legislation enacted to that effect;

5. Condemns in particular the policy of those States which, in disregard of the United Nations resolutions, continue to maintain political, economic, military and other relations with the racist régimes in southern Africa and elsewhere thus supporting, protecting and encouraging them to persist in their suppression of the aspirations of peoples for self-determination and independence;

6. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate attempt to thwart the legitimate demands of the people;

7. Demands the immediate release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

8. Condemns also the policies of those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial and foreign domination and alien subjugation, notably the peoples of southern Africa and the people of Palestine, and draws attention to the grave responsibility incurred by the makers and promoters of such policies in the eyes of the community of nations and world public opinion;

9. Rejects completely and emphatically the so-called "internal settlement" in Zimbabwe;

10. Expresses its appreciation for the material and other forms of assistance which the peoples under colonial or alien domination or foreign occupation receive from friendly Governments in their struggle to achieve their right to self-determination and independence;

11. Decides to continue to give the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-sixth session.

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