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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI
PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION
OF THE OCCUPIED TERRITORIES

Report of the Special Political Committee

Rapporteur: Mr. Hassan ABDULDJALIL (Indonesia)

1. The item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories" was included in the provisional agenda of the twenty-ninth session of the General Assembly in accordance with resolution 3092 B (XXVIII) of 7 December 1973.
2. At its 2236th plenary meeting, on 21 September 1974, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Special Political Committee for consideration and report.
3. The Special Political Committee examined the item at its 928th to 932nd meetings, between 8 and 12 November. It had before it the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/9817), as well as the report of the Secretary-General (A/9843), submitted in accordance with paragraph 10 (c) of General Assembly resolution 3092 B (XXVIII). In addition, the Committee had before it a letter dated 9 October 1974 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/9799-S/11535).
4. The Special Political Committee began consideration of the item at its 928th meeting, on 8 November, by hearing a statement by the Chairman of the Special Committee, who introduced its report.
5. In the course of its consideration of the item, the Special Political Committee received three draft resolutions, as set forth in sections I, II and III below.

I

6. At the 930th meeting, on 11 November, the representative of Afghanistan introduced a draft resolution (A/SPC/L.305) sponsored by Afghanistan, Guinea, Indonesia, Malaysia, Mali, Pakistan and the Philippines. Subsequently, Chad, Madagascar, the Niger and the Upper Volta joined in sponsoring the draft resolution.

7. On 12 November, the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly, submitted a statement (A/SPC/L.308 and Rev.1) on the administrative and financial implications of the draft resolution.

8. At the 932nd meeting, on 12 November, the Committee adopted the draft resolution by a recorded vote of 82 to 4, with 25 abstentions (see para. 15 below, draft resolution A). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Equatorial Guinea, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bolivia, Israel, Nicaragua, United States of America.

Abstaining: Australia, Austria, Belgium, Brazil, Canada, Colombia, Costa Rica, Denmark, El Salvador, France, Germany (Federal Republic of), Guatemala, Iceland, Ireland, Italy, Japan, Malawi, Nepal, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

II

9. Also at the 930th meeting, the representative of Afghanistan introduced a draft resolution (A/SPC/L.306) sponsored by Afghanistan, Argentina, Greece, Guinea, Indonesia, Malaysia, Mali, Pakistan and the Philippines. Subsequently, Madagascar, the Niger, Turkey and the Upper Volta joined as sponsors of the draft resolution.

10. At the 932nd meeting, the Committee adopted the draft resolution by a recorded vote of 102 to none, with 5 abstentions (see para. 15 below, draft resolution B). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Finland, France, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Bolivia, Costa Rica, Israel, Malawi, Nicaragua.

III

11. At the 932nd meeting, the representative of Mali introduced a draft resolution (A/SPC/L.307) sponsored by Guinea and Mali. Subsequently, Afghanistan, Madagascar, the Niger, Pakistan and the Upper Volta joined in sponsoring the draft resolution.
12. At the same meeting, the representative of Mali, on behalf of the sponsors, orally revised the text of the draft resolution by substituting, in operative paragraph 1, the word "endorses" for the word "confirms".
13. On 12 November, the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly, submitted to the Committee a statement (A/SPC/L.309) on the administrative and financial implications of the draft resolution.
14. At the 932nd meeting, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 79 to 4, with 28 abstentions (see para. 15 below, draft resolution C). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary,

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India, Indonesia, Iran, Iraq, Jordan, Kenya, Khmer Republic, Kuwait, Lebanon, Lesotho, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bolivia, Canada, Israel, Nicaragua.

Abstaining: Australia, Austria, Belgium, Brazil, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Germany (Federal Republic of), Guatemala, Iceland, Ireland, Italy, Jamaica, Japan, Malawi, Nepal, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

RECOMMENDATIONS OF THE SPECIAL POLITICAL COMMITTEE

15. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolutions:

Report of the Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied
Territories

A

The General Assembly,

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, 1/ as well as other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

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

Considering that the implementation of the Geneva Convention of 12 August 1949 cannot and should not be left open in a situation involving foreign military occupation and the rights of the civilian population of those territories,

Deploring the continued refusal by Israel to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the occupied territories,

Having considered the report of the Special Committee, 2/

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;
2. Calls upon Israel to allow the Special Committee access to the occupied territories;
3. Expresses the gravest concern at the continued and persistent disregard by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, in particular the following violations:
 - (a) The annexation of parts of the occupied territories;
 - (b) The establishment of Israeli settlements therein and the transfer of alien population thereto;
 - (c) The destruction and demolition of Arab houses, villages and towns;
 - (d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals, on the one hand, and the inhabitants or institutions of the occupied territories on the other;
 - (e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and the denial of their right to return;
 - (f) Mass arrests, administrative detention and ill-treatment of the Arab population;
 - (g) The pillaging of archaeological and cultural property;
 - (h) The interference with religious freedoms and practices, as well as family rights and customs;
 - (i) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

4. Declares that those policies of Israel constitute not only a direct contravention to, and violation of, the purposes and principles of the Charter of the United Nations, in particular, the principles of sovereignty and territorial integrity, the principles and provisions of the applicable international law concerning occupation and the basic human rights of the people, but also an impediment to the establishment of a just and lasting peace;

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, are null and void;

6. Reaffirms further that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories;

7. Demands that Israel desist forthwith from the annexation and colonization of the occupied Arab territories as well as from all the policies and practices referred to in paragraph 3 above;

8. Reiterates its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

9. Requests the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. Requests the Secretary-General:

(a) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices referred to in the present resolution;

(b) 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 Office of Public Information of the Secretariat;

(c) To report to the General Assembly at its thirtieth session on the tasks entrusted to him;

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11. Decides to include in the provisional agenda of its thirtieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

B

The General Assembly,

Affirming 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,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/

Recalling that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

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

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967;

2. Calls once more upon Israel to respect and to comply with the provisions of that Convention in the Arab territories occupied by Israel;

3. Urges all States parties to that Convention to exert all efforts in order to ensure respect for, and compliance with, the provisions thereof in the Arab territories occupied by Israel.

C

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 4/ in particular section V thereof concerning the destruction of the town of Quneitra,

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

4/ A/9817.

Recalling that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 5/ provides that any destruction by the occupying Power of real or personal property belonging individually or collectively to private persons, to the State, to other public authorities or to social or co-operative organizations, is prohibited.

Noting the Special Committee's deep-seated conviction that the Israeli forces and the Israeli occupying authorities were responsible for the deliberate and total devastation of Quneitra, in violation of article 53 and under article 147 of the Geneva Convention of 12 August 1949,

Noting further the Special Committee's opinion that the gravity of the circumstances would justify the appointment of a commission to study the legal consequences of the devastation of Quneitra, particularly within the context of articles 53 and 147 of the Geneva Convention, bearing in mind the provisions of article 6 (b) of the Charter of the International Military Tribunal of Nuremberg, 6/ confirmed by the General Assembly in its resolution 95 (I) of 11 December 1946,

1. Endorses the conclusion of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that Israel is responsible for the destruction and devastation of the town of Quneitra;
2. Regards Israel's deliberate destruction and devastation of the town of Quneitra as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and condemns Israel for such acts;
3. Requests the Special Committee, with the assistance of experts, designated if necessary in consultation with the Secretary-General, to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction;
4. Requests the Secretary-General to make available to the Special Committee all the necessary facilities in the performance of its task and to report to the General Assembly at its thirtieth session.

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

6/ United Nations, Treaty Series, vol. 82, No. 251, p. 284.