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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 Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 34/29 of 16 November 1979, which reads as follows:

"The General Assembly,

"Noting with concern the decision of the Israeli authorities to deport the Mayor of Nablus outside the occupied Palestinian territory,

"Gravely concerned at the resignation of the mayors of cities and towns in the occupied Palestinian territory as a result of the deportation decision,

"Expressing grave anxiety and concern over the present serious situation in the occupied Palestinian territory as a result of the deportation decision,

"1. Calls upon the Israeli authorities to rescind the deportation order;

"2. Requests the Secretary-General to report to the General Assembly as soon as possible on the implementation of the present resolution."

2. The arrest of the Mayor of Nablus, Mr. Bassam Al-Shaka, and the decision of the Israeli authorities to deport him were first brought to the attention of the Secretary-General by the Permanent Observer of the Palestine Liberation Organization on 12 November. On the same day, the Permanent Representative of Egypt addressed a letter to the Secretary-General transmitting a statement by the Ministry for Foreign Affairs of Egypt on the subject (A/34/677).

3. On 13 November, the Secretary-General received a message from Chairman Yasser Arafat of the Palestine Liberation Organization on the same matter.

On the same day, the Secretary-General received the Permanent Representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Arab Group, together with the Permanent Observer of the PLO, and discussed with them the question of Mr. Shaka's arrest and possible expulsion. The message from Chairman Arafat was later circulated as a document of the General Assembly (A/SPC/34/5) at the request of the Permanent Representative of the Libyan Arab Jamahiriya.

4. Following these meetings, the Secretary-General brought this matter to the attention of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Committee on the Exercise of the Inalienable Rights of the Palestinian People was also informed.

5. At the same time, the Permanent Mission of Israel was informed of the Secretary-General's concern regarding the arrest and impending deportation of the Mayor of Nablus. The Secretary-General expressed the hope that every effort would be made to avoid a worsening of the situation in the area, especially in the light of reports about the resignation of Arab mayors in the occupied territories and having in mind the importance of fostering conditions that would not hinder the search for peace.

6. The Secretary-General also discussed this matter with a number of interested delegations. On 14 November, the Permanent Representative of Jordan addressed a letter to the Secretary-General expressing his Government's concern regarding the decision of the Israeli Government to expel Mr. Shaka. In addition, the Secretary-General received several communications on this subject from non-governmental organizations.

7. On 13 November, the Permanent Representative of Kuwait addressed to the President of the Security Council a letter transmitting a message from the Permanent Observer of the PLO, bringing to the attention of the President the decision of the Israeli authorities to expel the Mayor of Nablus (S/13622). On 14 November, the Permanent Representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Arab Group, brought the same matter to the attention of the President of the Security Council (S/13630). On the same day, the President of the Security Council issued the following statement (S/13629):

"Following consultations among the members of the Security Council, I am authorized as President of the Council to express, on behalf of the Council, the Council's concern at the imprisonment and threatened deportation of Mayor Bassam Al-Shaka of Nablus. As President of the Security Council I can only regret this development which might contribute to increase the tension in the Middle East region. Meanwhile, the Council will follow developments very closely."

8. At the 33rd meeting of the Special Political Committee, on 15 November 1979, the representative of the United Arab Emirates requested the Committee to consider as a matter of urgency the situation in the occupied territories arising from the decision of Israel to expel the Mayor of Nablus. At the same meeting, the Committee approved a draft resolution on this matter which it recommended to the General Assembly to adopt (A/34/691, para. 7).

9. On 16 November, the General Assembly considered the report of the Special Political Committee and adopted resolution 34/29, the text of which is reproduced in paragraph 1 above. Immediately following the adoption of that resolution, the Secretary-General cabled the text of the resolution to the Prime Minister of Israel, Mr. Menachem Begin, and requested him to provide all relevant information concerning the implementation of the General Assembly resolution.

10. On 20 November, the Secretary-General received from Prime Minister Begin, through the Permanent Representative of Israel, the following reply:

"Thank you for your cable of 17 November 1979 containing General Assembly resolution 34/29.

"In reply, I have the honour to inform you that the decision to expel Mr. Bassam Shak'a, the Mayor of Nablus, is based on local regulations, in force in Judea and Samaria since 1945. This decision will be reviewed by the Supreme Court of Israel. In the course of the legal proceedings that start at the end of this week, the State Attorney will bring evidence to prove that Mr. Shak'a has been acting for the murderous PLO which is bent on the destruction of Israel and is using genocidal methods through repeated attacks against civilians - men, women and children.

"Lately, Mr. Shak'a expressed understanding for an act which every decent human being considers to be an unspeakable atrocity, namely, the killing of thirty-four men, women and children in a bus on the main highway from Haifa to Tel-Aviv. His activities and incitement have caused unrest and the disruption of normal life and public order in Judea and Samaria.

"I do not see myself free to disclose details at this stage since the case is strictly sub-judice. All relevant facts and arguments will be brought before the Supreme Court by the State Attorney and by Mr. Shak'a, and the Court will decide in accordance with the due process of law.

"With reference to General Assembly resolution 34/29, permit me, Mr. Secretary-General, to draw your attention to the phrase 'occupied Palestinian territory' repeated three times therein. The Government of Israel takes exception to and protests against this false and misleading term."

11. The Secretary-General is continuing to follow closely developments in this important matter.