

U.N. Human Rights body passes strong condemnation of Israel

The United Nations Economic and Social Council Commission on Human Rights Subcommittee on Prevention of Discrimination and Protection of Minorities, 43rd session, meeting in Geneva in August passed the following resolution by a vote of 16 in favor out of the total of 23 legal experts entitled to vote:

Agenda item 6

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Subcommittee under Commission on Human Rights Resolution 8 (XXIII)

Draft resolution submitted by Mr. Alfonso Martinez, Mr. Chernichenko, Mr. Ilkahanaf, Mrs. Ksentini, Mr. Sachar, Mr. Suescun Monroy, Mr. Tian Jin and Mrs. Warzazi

1991/ . . . Situation in the Palestinian and other Arab territories occupied by Israel

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The Subcommittee on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the two International Covenants on Human Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva conventions of 1949, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to The Hague Convention No. IV of 1907,

Noting that, in accordance with article 1 of the Geneva conventions of 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the conventions under all circumstances,

Recalling all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel, which affirm the applicability of the Fourth Geneva Convention of 12 August

1949 to these territories,

Recalling the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989 and 681 (1990) of 20 December 1990,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 13 and 19 August 1988 with respect to repeated violations by Israel of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and its continuous refusal to apply the provisions of the Convention in the occupied territories,

Reaffirming its previous resolutions in this respect,

Deeply alarmed at the persistent refusal of Israel to respect the Fourth Geneva Convention and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of human rights by Israel over the past 24 years and its persistence in perpetrating acts of killing, wounding and arresting against the Palestinian people and in deportation and expulsion of Palestinian citizens,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and further constitutes aggression under international law;

2. Reaffirms also that the continued perpetration by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking the limbs of young men and causing grave harm to their physical integrity, subjection of cities, villages and camps to living conditions designed to strangle and destroy them by imposing curfews and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia,

severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses all constitute grave violations of international law and the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

3. Reaffirms further that the Fourth Geneva Convention is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Fourth Geneva Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Fourth Geneva Convention to apply article 1 of the Convention, to ensure respect by Israel for the convention and to secure protection for the Palestinian people under occupation in accordance with articles 9, 10, 11 and 12 of the convention;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the *intifada* of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from the Israeli occupation and to exercise their national rights on their national soil;

6. Reaffirms also the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with resolutions of the General Assembly and of the Commission on Human Rights, and the principle of the right to self-determination of all peoples;

7. Condemns Israel for:

(a) Its gross violations of the rules of international law and of the Fourth Geneva Convention of 12 August 1949 through the systematic practices mentioned in the present resolution, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian and other Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the Palestinian and

other occupied Arab territories and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(c) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction, and administration on the occupied Syrian Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, practices which constitute a flagrant violation of the Fourth Geneva Convention of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Reiterates its support for the convening of an international peace conference on the Middle East, under the auspices of the United Nations, in which all parties to the conflict, including the Palestine Liberation Organization, would participate on an equal footing and with the participation of the permanent members of the Security Council on the basis of Security Council Resolution 242 (1967) of 22 November 1967, as well as of all relevant General Assembly resolutions, in particular those that define and confirm the inalienable rights of the Palestinian people, particularly their right to self-determination, and calls for the withdrawal of the Israeli occupation forces from all occupied Palestinian and other Arab territories, including Jerusalem;

9. Confirms that any attempt to solve the Arab-Israeli conflict outside the framework of the above-mentioned international conference is not based on the international legitimacy constituted by the principles of the international law that governs armed conflicts among countries, as well as the relevant United Nations resolutions on Palestine and the Middle East, will not contribute to solving the real problem, and will maintain the current conflict that threatens the area with continuous wars;

10. Requests the Secretary-General to provide the Sub-commission, at its 44th session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and 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, and all other information relevant to the implementation of the present resolution.