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

Algeria, Bahrain, China, Cuba, Egypt*, Indonesia, Jordan*, Kuwait*, Lebanon*,
Malaysia, Mauritania*, Morocco*, Oman*, Pakistan, Palestine*,
Qatar*, Saudi Arabia, Somalia*, Sudan, Syrian Arab Republic, Tunisia*,
United Arab Emirates*, Viet Nam, Yemen: draft resolution
**2002/... Question of the violation of human rights in the
occupied Arab territories, including Palestine**

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the provisions of Additional Protocol I thereto and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Recalling General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

Recalling particularly General Assembly resolution 37/43 of 3 December 1982 reaffirming the legitimacy of the struggle of peoples against foreign occupation by all available means, including armed struggle,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted in June 1993 by the World Conference on Human Rights,

Recalling also the report of the United Nations High Commissioner for Human Rights to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2002/114),

Welcoming the report of the Special Rapporteur, Mr. John Dugard (E/CN.4/2002/32), dated 6 March 2002,

Expressing its deep concern at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission and its failure to cooperate with other relevant rapporteurs, particularly Mr. John Dugard, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967,

Gravely concerned at the continued deterioration of the situation in the occupied Palestinian territory and at the gross violations of human rights and international humanitarian law, in particular, acts of extrajudicial killing, the policy of assassinations, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, the besieging of Palestinian towns and villages, the shelling of Palestinian residential districts from warplanes, tanks and Israeli battleships, the conducting of incursions into towns and camps and the killing of men, women and children there as was the case lately in the camps of Jenine, Balata, Khan Younes, Rafah, Ramallah, Gaza, Nablus, al-Birah, al-Ama'ri, Jabaliya, Bethlehem and Dheisheh,

Expressing its grave concern at the continued violence and the resulting deaths and injuries, mostly among Palestinians, the toll of casualties having so far increased to over 1,200 martyrs and over 25,000 wounded since 28 September 2000,

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 since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967,

Convinced that the basis of negotiations and of achieving a just and lasting peace should be Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and other relevant United Nations resolutions, and include the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject, including resolutions 3 (XXVIII) of 22 March 1972, 1983/3 of 15 February 1983, 1984/11 of 29 February 1984, 1985/4 of 26 February 1985, 1986/22 of 10 March 1986, 1987/2 of 19 February 1987, 1988/1 of 15 February 1988, 1989/2 of 17 February 1989, 1990/6 of 19 February 1990, and resolution S-5/1 adopted at its fifth special session on 19 October 2000,

1. *Affirms* the legitimate right of the Palestinian people to resist the Israeli occupation by all available means in order to free its land and be able to exercise its right of self-determination and that, by so doing, the Palestinian people is fulfilling its mission, one of the goals and purposes of the United Nations;

2. *Strongly condemns* the violations by the Israeli occupation authorities of human rights in the occupied Palestinian territory, including East Jerusalem;

3. *Also strongly condemns* the Israeli occupation of the Palestinian territory as it constitutes an aggression and an offence against humanity and a flagrant violation of human rights;

4. *Further strongly condemns* the war launched by the Israeli army against Palestinian towns and camps, which has resulted so far in the death of hundreds of Palestinian civilians, including women and children;

5. *Strongly condemns* the practice of "liquidation" or "extrajudicial executions" carried out by the Israeli army against Palestinians, a practice which not only constitutes a violation of human rights norms, a flagrant violation of article 3 of the Universal Declaration of Human Rights and of the rule of law, but which is also damaging for the relationship between the parties and therefore constitutes an obstacle to peace, and urges the Government of Israel to respect international law and to cease this practice immediately;

6. *Also strongly condemns* the establishment of Israeli settlements and other related activities in the occupied Palestinian territory, including East Jerusalem, such as the construction of new settlements and the expansion of already existing ones, the expropriation of lands, the biased administration of water resources and the construction of bypass roads, all of which are not only violations of human rights and of international humanitarian law, especially article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) and Protocol I Additional to the Geneva Conventions which categorized such violations as war crimes, but are also major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the resolutions of the Commission on Human Rights relative to the Israeli settlements, and affirms that the dismantling of the Israeli settlements constitutes an essential factor for achieving a just, comprehensive and lasting peace in the region;

7. *Condemns* the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of East Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

8. *Also condemns* the use of torture against Palestinians during interrogation, as it constitutes a grave violation of the principles of international humanitarian law, and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is also a violation of article 5 of the Universal Declaration of Human Rights, and calls upon the Government of Israel to put an end immediately to such practices and to bring the perpetrators of these violations to trial;

9. *Strongly condemns* the setting on fire of the church of the Nativity and the Omar Ibn Al-Khattab mosque in Bethlehem and the shelling with artillery fire of the Al-Baik and Al-Kabir mosques in Nablus;

10. *Also strongly condemns* the offensives of the Israeli army of occupation against hospitals and sick persons and the use of Palestinian citizens as human shields during Israeli incursions into Palestinian areas;

11. *Further strongly condemns* opening of fire by the Israeli army of occupation on ambulances and paramedical personnel and its

preventing ambulances and cars of the International Committee of the Red Cross from reaching the wounded and the dead in order to transport them to hospital, thus leaving the wounded bleeding to death in the streets;

12. *Strongly condemns* the refusal by the Israeli army of occupation to allow the burial of dead Palestinians, thus obliging their families to bury the bodies of their loved ones in the available space around their homes and in hospitals;

13. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory, and particularly at acts of State terrorism perpetrated by the Israeli occupying authorities against the Palestinian people;

14. *Expresses its deep concern* at the military siege imposed on the Palestinian territory and the isolation of Palestinian towns and villages from each other through the establishment of military roadblocks that are used as a trap to kill Palestinians, which contribute, together with other factors, to the acts of violence that have been prevailing in the region for over a year and a half, calls upon the Government of Israel to immediately put an end to this practice and immediately lift its military siege of Palestinian towns and villages, and reaffirms that these collective punishments are prohibited under international law and constitute a grave violation of the provisions of the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions;

15. *Expresses its grave concern* at the restriction of movement imposed on His Excellency President Yasser Arafat by the Israeli occupying authorities, in violation of articles 9 and 13 of the Universal Declaration of Human Rights;

16. *Expresses its deep concern* at the massive arrests conducted by the Israeli occupying authorities against a large number of Palestinians and also at the continued detention of thousands of Palestinians without any criminal charges having been brought against them, in violation of article 9 of the Universal Declaration of Human Rights and the provisions of the Fourth Geneva Convention in this respect;

17. *Affirms anew* that the demolition by the Israeli occupying forces of over 1,200 houses owned by Palestinian families is a grave violation of articles 33 and 53 of the Fourth Geneva Convention and that levelling farmlands, uprooting trees and destroying the infrastructure of Palestinian society constitute grave violations of the provisions of international humanitarian law and a form of collective punishment against the Palestinian people;

18. *Reaffirms* that the Fourth Geneva Convention is applicable to the Palestinian territory occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical, demographic and institutional status of the city of East Jerusalem from its status prior to the June 1967 war to be illegal and void;

19. *Welcomes* the Geneva Declaration adopted by the Conference of the High Contracting Parties to the Fourth Geneva Convention of 1949, which was held in Geneva on 5 December 2001, and calls upon the High Contracting Parties to follow up on the implementation of the Declaration;

20. *Calls upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories and to respect the principles of international law and international humanitarian law, the Universal Declaration of Human Rights, its international commitments and the agreements it signed with the Palestine Liberation Organization;

21. *Also calls upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

22. *Calls upon* the relevant United Nations organs urgently to consider the best ways to provide the necessary international protection for the Palestinian people until the cessation of the Israeli occupation of its territory;

23. *Welcomes anew* the recommendations contained in the report of the United Nations High Commissioner for Human Rights and those contained in the report of the Human Rights Inquiry Commission, urges the Government of Israel to implement them and requests the Special Rapporteur on the situation of human rights in the Palestinian territory occupied by Israel since 1967, acting as a monitoring mechanism, to follow up on the implementation of these recommendations and to submit reports thereon to the General Assembly at its fifty-seventh session and to the Commission on human rights at its fifty-ninth session;

24. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-ninth session;

25. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

26. *Decides* to consider this question at its fifty-ninth session under the same agenda item, as a matter of high priority.

* In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

