



Security Council

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REPORT OF THE SECRETARY-GENERAL IN PURSUANCE OF
SECURITY COUNCIL RESOLUTION 592 (1986)

1. The present report is submitted in pursuance of Security Council resolution 592 (1986) of 8 December 1986, the operative paragraphs of which read,
 - "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 Palestinian and other Arab territories occupied by Israel since 1961, including Jerusalem;
 - "2. Strongly deplores the opening of fire by the Israeli army resulting in the death and the wounding of defenceless students;
 - "3. Calls upon Israel to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
 - "4. Further calls upon Israel to release any person or persons detained as a result of the recent events at Bir Zeit University in violation of the above-mentioned Geneva Convention;
 - "5. Also calls on all concerned parties to exercise maximum restraint, to avoid violent acts, and to contribute towards the establishment of peace;
 - "6. Requests the Secretary-General to report to the Council on the implementation of the present resolution not later than 20 December 1986".
2. The text of the above resolution was cabled to the Vice Premier and Minister for Foreign Affairs of Israel immediately after its adoption. In response to my request for information about the measures taken or envisaged by Israel to implement the resolution, the Acting Permanent Representative of Israel informed me orally on behalf of his Government on 18 December 1986 that Israel regarded Security Council resolution 592 (1986) as "negative and one-sided"; it was "absurd" that the PLO, which had provoked the disturbances in the first place, should then have caused the matter to be brought before the Council. In the week beginning 8 December further disturbances had taken place in "Judea, Samaria and the Gaza district" as a result of efforts by "PLO elements" to disrupt normal civil life. The Israeli Defence Forces (IDF) had exercised restraint but had been obliged to intervene, especially to keep communications open. In some cases rubber bullets had been used; only in the most severe cases when the lives of IDF personnel were at risk had live bullets been fired. All persons suspected of breaking the law had been arrested. Some had since been freed; others had been tried; others were still under investigation. The main centres of trouble had been the universities where "PLO elements" had been particularly active. The universities of Bir Zeit and An Najah had each been closed for one week. "Masked terrorists" had tried to disrupt normal life by forcing shop owners to close their shops and the IDF had intervened to open shops at the request of the shop owners themselves. When "terror elements" had tried to enter schools in Gaza, the IDF had stopped them at the request of the parents concerned. An Israeli civilian had been stabbed in Jerusalem on 11 December, the mayor of Qabatiyeh on 14 December and an Israeli soldier in Ramallah on 18 December; in the last case the assailants had been arrested. No other details about casualties caused in the disturbances could be provided at present because investigations were still continuing. In the week beginning 15 December calm had been restored as a result of co-operation between the Israeli authorities and the local population, most of whom wanted regular life to go on.
3. With specific reference to operative paragraph 3 of the resolution, the Acting Permanent Representative of Israel informed me that Israel's policy was, and continued to be, to implement all the humanitarian principles embodied in the Geneva Conventions on a de facto basis but that Israel did not consider these conventions to be legally applicable to the territories in question. As regards operative paragraph 4 of the resolution, the Acting Permanent Representative of Israel said that the rule of law prevailed in Israel and that all those who had been arrested would be brought to trial under due process of law. Figures were not available for the number of persons arrested or still in detention.
4. The Permanent Representative of the Hashemite Kingdom of Jordan in a letter dated 17 December 1986 conveyed to me the opinion of his Government regarding Security Council resolution 592 (1986) as follows:

"1. The Jordanian Government approves the contents of the preambular paragraphs and of paragraphs 1, 2, 3, 4 and 6 of the resolution.

"2. With regard to paragraph 5 of that resolution, the Jordanian Government wishes to express the following point of view:

- (i) That paragraph, by calling on all parties to exercise restraint, makes no distinction between the victim and the aggressor or between legitimate resistance and the repressive acts of violence carried out by the occupation authorities. Neither does it distinguish between occupation authorities, who are responsible for the protection of the civilian population under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and members of the population who are subjected to attacks by Israeli religious fanatics, armed residents of Israeli settlements and the Israeli military forces in retaliation for their consistent rejection and repudiation of the continued occupation and the related practices of the various bodies of the occupying Power.
- (ii) In the case under discussion, Israeli residents of West Jerusalem carried out attacks - both before and after the meeting of the Security Council on 5 December 1986 - against individuals and against the property of Arab residents of occupied Arab Jerusalem without any serious or decisive steps being taken by the Israeli authorities to halt those attacks. As a result, the attacks became increasingly widespread and serious and additional direct and indirect pressure was exerted on the Arab population.
- (iii) The events, which took place in Jerusalem, Nablus, Hebron, Bir Zeit, Gaza, Khan Yunis, the refugee camps and various other parts of the occupied territories, demonstrated unequivocally the direct use of live ammunition by the occupation authorities, without prior warning, in their repressive treatment of defenceless Arab citizens, with the result that a number of children and young male and female students were among the casualties of the retaliatory measures carried out by the Israeli authorities. This constitutes clear evidence of the arbitrary behaviour of those authorities and their intention to terrorize and subjugate the population.
- (iv) The disavowal by the occupation authorities of any responsibility for protecting the population of the occupied territories and their property under the relevant Geneva Convention should not obscure the fact that the occupation itself and the refusal of the Arab population to accept or to coexist with it lie at the heart of the problem, nor the fact that there can be no fundamental solution to that problem unless the occupation is ended and the Israeli forces withdraw from all the occupied territories, including the city of Jerusalem.

"3. In view of the fact that the fundamental problem is the occupation, the Government of the Hashemite Kingdom of Jordan is of the opinion that the Security Council - as the organ empowered to maintain international peace and security - should convene an international peace conference in the Middle East under United Nations auspices with the participation of permanent members of the Council and all interested parties, with a view to achieving a comprehensive, just and durable political settlement through the implementation of relevant Security Council resolutions, particularly resolution 242 (1967) and resolution 338 (1973), and realization of the legitimate rights of the Palestinian people."

5. The Permanent Observer of the Palestine Liberation Organization addressed two letters dated 11 December 1986 to me about incidents that had taken place since the adoption of resolution 592 (1986). The texts of his letters are as follows:

Letter No. 1

"I am instructed by Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization to bring the following to your attention vis a vis Security Council 592 of 8 December 1986 which calls on Israel 'to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;'. The situation in the occupied Palestinian territories is marked by intensified systematic brutality and state terrorism practiced by Israel, the occupying power, against the Palestinian people.

"The escalation of this policy of repression, namely, the 'iron fist policy' has during the past seven days resulted in the killing of four Palestinians, including a 12 year-old child, and scores of others wounded. Among the wounded are three Palestinians who are being treated in intensive-care units; they are 1) Khaled Shaa'ban Ziadeh from Albreaj camp, who is being treated in a Tel Aviv hospital, 2) Nasser Ibrahim from Dheishah camp who is being treated in Jerusalem's Al-Makased hospital, and 3) Shukree Mansour from Ebwyah, Ramallah, who is being treated in the Hadasah hospital.

"Last night troops from Israeli occupation forces stormed Al-Shefa'a hospital in Gaza and arrested wounded Palestinians who had been brought to the hospital the previous night for bullet wounds inflicted by Israeli soldiers.

"On Tuesday, 9 December 1986, five youths from Sinjel, Ramallah, were abducted by Zionist settlers and troops from the Israeli occupation forces. The whereabouts of the five abducted Palestinians is not known.

"The Palestine Liberation Organization calls upon the Secretary-General and Security Council of the United Nations to take all appropriate and necessary measures to bring adequate pressure on Israel, the occupying power to ensure respect for the Fourth Geneva Convention, and to put an end to the continuous violations and repressive measures against the Palestinian people living under Israeli military occupation..

Letter No.2

"I am instructed by Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization to bring the following to your attention vis a vis Security Council resolution 592 of 8 December 1986. Operative paragraph 3 calls upon Israel 'to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;'. I would inform that troops from Israel's occupation forces broke into Rafeediyah hospital in the Nablus area, and after brutally beating Mohammad Abu-Ayyash, who was hospitalized with three bullet wounds inflicted by Israeli troops, transferred him from his hospital bed to Israeli military headquarters in the area. The savage beating inflicted by the Israeli troops caused additional fractures to Mohammed Abu-Ayyash's legs and arms.

"Operative paragraph 4 further calls upon Israel 'to release any person or persons detained as a result of the recent events at Bir Zeit University in violation of the above mentioned Geneva Convention;'. In Gaza, Israeli occupation troops stormed into homes and arrested scores of Palestinians taking them to the Israeli military headquarters in Gaza. In addition, 6 Palestinians who were at the International Red Cross Offices in Gaza were arrested. 23 Palestinians under treatment for injuries received as a result of recent Israeli attacks were arrested; 175 Palestinian students from the Gaza area have been arrested; 32 Palestinians from Jerusalem, including 15 girls students have been arrested; 22 Palestinian students and 10 other Palestinians from Ramallah have been arrested; 20 Palestinians from Dheisheh refugee camp have been arrested, 6 of them are students; 111 Palestinians from Al-Khalil (Hebron) have also been arrested.

"The Palestine Liberation Organization again calls upon the Secretary-General and Security Council of the United Nations to take all appropriate and necessary measures to bring adequate pressure on Israel, the occupying power, to ensure respect for the Fourth Geneva Convention, and to put an immediate end to the continuous violations and repressive measures against the Palestinian people living under Israeli military occupation."

6. The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian people addressed a letter dated 16 December 1986 to me in which he drew my attention to the incidents which had continued to occur in the occupied territories since the adoption of Security Council resolution 592 (1986) . This letter has been circulated as a document of the General Assembly and Security Council (A/41/970-S/18525).
