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Commission on Human Rights Report on the sixtieth session

(15 March-23 April 2004)

Part I*

(For use by members of the Economic and Social Council during its 2004 substantive session)

* Part I will subsequently be published as part of the complete report of the Commission, as the *Official Records of the Economic and Social Council, 2004, Supplement No. 3*.

I. Draft decisions recommended for adoption by the Economic and Social Council

A. Draft decisions

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4. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Economic and Social Council, taking note of Commission on Human Rights [resolution 2004/10](#) of 15 April 2004, approves the Commission's request that the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and, in his capacity as a monitoring mechanism, to follow up on the implementation of these recommendations and to report thereon to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session, until the end of the mandate of the Special Rapporteur, as established in Commission resolution 1993/2 A of 19 February 1993.

[See chap. II, sect. A, resolution 2004/10,
and chap. VIII.]

...

II. Resolutions and decisions adopted by the Commission at its sixtieth session

A. Resolutions

2004/1. Grave situation in the Occupied Palestinian Territory

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,
Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August

1949, and the provisions of the 1977 Additional Protocol I thereto, and the Hague Convention IV of 18 October 1907 and Annexed Regulations respecting the Laws and Customs of War on Land,

Recalling its previous relevant resolutions, in particular resolution 2003/6 of 15 April 2003, in which it strongly condemned the practice of “liquidation” and “extrajudicial executions” carried out by the Israeli army against Palestinians,

1. *Strongly condemns* the continuing grave violations of human rights in the Occupied Palestinian Territory, in particular the tragic assassination of Sheikh Ahmed Yassin on 22 March 2004, in contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

2. *Notes with grave concern* the implications of such targeted assassinations, liquidation and murder of political leadership by the Israeli occupation forces on the overall situation in the Occupied Palestinian Territory, in particular the possibility of a fresh wave of violence;

3. *Calls upon Israel* to respect to the fullest the principles of international humanitarian law and to desist from all forms of violation of human rights in the Occupied Palestinian Territory;

4. *Decides* to remain actively seized of the matter.

18th meeting
24 March 2004

[Adopted by a recorded vote of 31 votes to 2,

with 18 abstentions. See chap. III.]

...

2004/3. Situation in occupied Palestine

The Commission on Human Rights ,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further its previous resolutions in this regard, the latest of which is resolution 2003/3 of 14 April 2003,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to establish their sovereign and independent Palestinian State, and looks forward to the early fulfilment of this right;

2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission, prior to the convening of its sixty-first session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. *Decides* to include in the provisional agenda of its sixty-first session the item entitled “The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation” and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

44th meeting
8 April 2004

[Adopted by a recorded vote of 52 votes to 1.

See chap. V.]

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2004/8. Human rights in the occupied Syrian Golan

The Commission on Human Rights ,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 58/23 of 3 December 2003, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel’s decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of 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 (see A/58/311) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern over the halt in the peace process in the Middle East, and its hope that peace talks will be resumed on the basis of the full implementation of Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also its previous relevant resolutions, the most recent being resolution 2003/5 of 15 April 2003,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, in particular resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in 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;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission at its sixty-first session;

7. *Decides* to include in the provisional agenda of its sixty-first session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

49th meeting

15 April 2004

[Adopted by a recorded vote of 31 votes to 1,
with 21 abstentions. See chap. VIII.]

2004/9. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Recalling its previous resolutions, most recently resolution 2003/7 of 15 April 2003, and taking note of General Assembly resolution 58/98 of 9 December 2003, in which, inter alia, the illegality of the Israeli settlements in the occupied territories was reaffirmed,

Welcoming the presentation to the parties by the Quartet^{*} of the road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex) and noting the call for a freeze on settlement activity, and taking note of the proposals for an Israeli withdrawal from the Gaza Strip, which could represent a significant step towards the implementation of the road map, provided that it took place in the context of the road map; it was a step towards a two-State solution; it did not involve a transfer of settlement activity to the West Bank; there was an organized and negotiated handover of responsibility to the Palestinian Authority; and Israel facilitated the rehabilitation and reconstruction of Gaza,

Gravely concerned at the widespread violations of human rights and international humanitarian law which continue to result from the occupation of the Occupied Palestinian Territory,

Concerned in particular that the route marked out for the so-called security fence under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian and economic hardship to the Palestinians,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Also expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution to the conflict, and therefore threatens the long-term security of Palestinians as well as Israelis,

Further expressing its concern regarding the security threats related to the presence of the settlements in the occupied territories, as expressed in the report of the Sharm el-Sheikh Fact-Finding Committee (the Mitchell Report),

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

(E/CN.4/2004/6 and Add.1) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern* at:

(a) The continuation, at an escalated level, of the Israeli-Palestinian conflict, which has led to a seemingly endless spiral of hatred and violence and to increased suffering for both Israelis and Palestinians;

(b) The continuing illegal Israeli settlement activities in the occupied territories and related activities, such as the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, and constitute a

violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, settlements are a major obstacle to peace and to the creation of an independent, viable, sovereign and democratic Palestinian State in accordance with Security Council resolution 1397 (2002) of 12 March 2002;

(c) And strongly condemns all acts of violence, including indiscriminate terrorist attacks killing and injuring civilians, provocation, incitement and destruction, and urges the Palestinian Authority to demonstrate concretely its determination in the fight against terrorism and extremist violence;

(d) The continuing high level of casualties on both sides, particularly civilians, and, while recognizing Israel's right to self-defence in the face of terrorist attacks against its citizens, urges the Government of Israel to exert maximum effort to avoid civilian casualties and to put a halt to extrajudicial killings, which are contrary to international law;

(e) The continued closures of and within the Palestinian territories and the restriction of the freedom of movement of the Palestinians, including the extensive curfews imposed on the West Bank cities for long periods of time, which contribute, together with other factors, to the intolerable level of violence that has prevailed in the zone for more than three years, have caused an extremely precarious humanitarian situation for the civilian population and have had a negative impact on the enjoyment of economic and social rights in the Palestinian territories, affecting in particular the most vulnerable groups of the population;

(f) The continued construction of the so-called security fence in the Palestinian territories, including in and around East Jerusalem;

(g) The route marked out for the so-called security fence in the occupied West Bank and the envisaged departure of the route from the Armistice Line of 1949 which could prejudice future negotiations and make the two-State solution physically impossible to implement, and the creation of a closed zone between the so-called security fence and the Armistice Line and the consequent humanitarian and economic hardship for the Palestinians, thousands of whom are being cut off from essential services, land and water resources;

3. Urges the Government of Israel:

(a) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2003/7;

(b) To reverse its settlement policy in the occupied territories, including East Jerusalem, and, as a first step towards their dismantlement, to stop immediately the expansion of existing settlements, including "natural growth" and related activities;

(c) To prevent any new installation of settlers in the occupied territories;

(d) To implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

(e) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing illegal acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians in the occupied territories;

4. Demands that Israel stop and reverse the construction of the so-called security fence in the Occupied Palestinian Territory, including in and around East Jerusalem, which is a departure from the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

5. Urges the parties to implement immediately and fully, without modifications, the road map endorsed by the Security Council, with the aim of resuming negotiations on a political settlement which is in accordance with the resolutions of the Council and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security and play their full part in the region;

6. Decides to continue its consideration of this question at its sixty-first session.

49th meeting
15 April 2004

[Adopted by a recorded vote of 27 votes to 2,
with 24 abstentions. See chap. VIII.]

2004/10. 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 and by the provisions of the Universal Declaration of Human Rights, Recalling Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

Guided 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 (Fourth Geneva Convention), the provisions of Additional Protocol I thereto of 1977 and the Hague Convention IV, of 18 October 1907, and Annexed Regulations respecting the Laws and Customs of War on Land,

Recalling resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, since the 5 June 1967 war,

Reaffirming the applicability of the Fourth Geneva Convention to the Palestinian territories occupied since the June 1967 war, including East Jerusalem,

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

Recalling in particular General Assembly resolution 37/43 of 3 December 1982 reaffirming the legitimacy of the struggle of peoples for independence from foreign domination and foreign occupation and for self-determination, in conformity with international law,

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

Welcoming the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. John Dugard (E/CN.4/2004/6 and Add.1), and the addendum to the report of the Special Rapporteur on the right to food, Mr. Jean Ziegler (E/CN.4/2004/10/Add.2),

Expressing its deep concern at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 and its failure to cooperate with other relevant special rapporteurs, in particular Mr.

Dugard,

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, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, siege of Palestinian towns and villages, the shelling of Palestinian residential neighbourhoods by warplanes, tanks and Israeli battleships, and incursions into towns, villages and camps to kill innocent men, women and children, as was the case in Jenin, Balata, Khan Younis, Rafah, Ramallah, Gaza, Nablus, Al-Birah, Al-Amari, Jabalia, Bethlehem and Dheisheh and in the Al-Daraj and Al-Zaitoun neighbourhoods in the city of Gaza, and also during recent months in Rafah and in Al-Shajai'a neighbourhood in Gaza, as well as during the last Israeli massacres in the Al-Nusseirat and Al-Burreij refugee camps in the centre of the Gaza Strip on 7 March 2004,

Expressing its grave concern at the continued Israeli aggression and the resulting deaths and injuries, mostly among Palestinians, the toll of casualties having increased to over 2,800 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, the last of which was A/58/311,

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 Fourth Geneva Convention to the Palestinian territories occupied by Israel since 1967, including East Jerusalem,

Convinced that the basis of negotiations and of achieving a just and lasting peace should be Security Council resolutions 242 (1967), 338 (1973) and other relevant United Nations resolutions, including the principle of 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 in this respect, the latest of which is resolution 2003/6 of 15 April 2003,

Recalling also the inadmissibility of the acquisition of others' land by force, which constitutes a *jus cogens* in international law,

Gravely concerned at the construction of the Israeli wall inside the Occupied Palestinian Territory, aimed at expropriating further Palestinian lands by force, with all the drastic consequences that this wall will have on the Palestinian community, namely on its social, economic, educational, health and psychological aspects, and which is destroying any possibility of achieving a genuine peace based on the two-State solution, with an independent Palestinian State and an Israeli State,

Affirming that the construction of this wall on the Palestinian territories constitutes a violation of the right of the Palestinian people to self-determination and hinders the exercise by the Palestinian people of this right,

Taking note in this respect of General Assembly resolution ES-10/13 of 21 October 2003,

Taking note of the report of the Secretary-General (A/ES-10/248), which concluded that Israel is not in compliance with the General Assembly's demand that it stop and reverse the construction of the wall in the Occupied Palestinian Territory,

1. *Reaffirms* the legitimate right of the Palestinian people to resist the Israeli occupation in order to free its land and be able to exercise its right to self-determination, in conformity with the goals and purposes stipulated by the Charter of the United Nations;

2. *Strongly condemns* once more the human rights violations of the Israeli occupation authorities in the Occupied Palestinian Territory, including East Jerusalem, since 1967;

3. *Also strongly condemns* the Israeli occupation of the Palestinian territories as being 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, particularly since October 2000, 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 anew* 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 immediately to put an end to such practices;

6. *Strongly condemns once again* 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 the existing ones, land confiscation, biased administration of water resources and the construction of bypass roads, which not only constitute grave violations of human rights and international humanitarian law, especially article 49 of the Fourth Geneva Convention and Additional Protocol I thereto, according to which such violations are categorized 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 Israeli settlements constitutes an essential factor for achieving a just, comprehensive and lasting peace in the region;

7. *Condemns once again* the expropriation of Palestinian homes in Jerusalem, Hebron and the rest of the Occupied Palestinian Territory, the revocation of the identity cards of the residents of East Jerusalem and the policy of imposing fabricated and exorbitant taxes with the aim of forcing Palestinians living in Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, with the aim of Judaizing Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

8. *Also condemns once again* the use of torture against Palestinians during interrogation, as it constitutes a grave violation of the principles of international humanitarian law, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and also 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 justice;

9. *Strongly condemns* once more 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;

10. *Also strongly condemns* once more the Israeli army of occupation's practices of opening fire on ambulances and paramedical personnel and preventing ambulances and vehicles 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;

11. *Strongly condemns* acts of mass killing of Palestinians at the hands of the Israeli occupation authorities, including the killing of children, such as recently took place in Nablus, Gaza, Rafah, Al-Nusseirat and Al-Burreij and which persist to this day;

12. *Also strongly condemns* acts that consist of imposing collective punishments, military siege of Palestinian territories, isolating Palestinian towns and villages from each other by military roadblocks used as a trap to kill Palestinians, demolishing houses and levelling agricultural lands, as these practices contribute, together with other factors, to the acts of violence that have prevailed in the region for over three and a half years, and calls upon the Government of Israel immediately to put an end to these practices and to lift its military siege of Palestinian towns and villages and its military roadblocks, and affirms anew that such collective punishments are prohibited under international law, as they constitute grave violations of the provisions of the Fourth Geneva Convention and Additional Protocol I thereto, and are also war crimes;

13. *Expresses its grave concern once again* at the restriction of the freedom of movement imposed by the Israeli occupation authorities on Yasser Arafat, the democratically elected Palestinian President, in violation of articles 9 and 13 of the Universal Declaration of Human Rights;

14. *Strongly condemns* campaigns of massive arrests conducted by the Israeli occupation authorities to detain thousands of Palestinians without

trial and without any criminal charges having been brought against them, in violation of article 9 of the Universal Declaration of Human Rights and of the provisions of the Fourth Geneva Convention in this respect;

15. *Affirms anew* that the demolitions carried out by the Israeli occupying forces of at least 30,000 Palestinian houses, facilities and property constitute grave violations of articles 33 and 53 of the Fourth Geneva Convention and that acts of levelling farmlands, uprooting trees and destroying what is left of the Palestinian infrastructure constitute a form of collective punishment to which Palestinians are subjected, grave violations of the provisions of international humanitarian law and war crimes according to international law;

16. *Affirms anew* that the Fourth Geneva Convention is applicable to the Palestinian territories 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;

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

18. *Also calls once again upon* Israel to withdraw from the Palestinian territories occupied since 1967, including East Jerusalem, 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;

19. *Strongly condemns* the construction of the Israeli wall inside the Occupied Palestinian Territory, in the West Bank, as it constitutes a new Israeli pretext for the forcible confiscation of further Palestinian lands, it endangers the social, economic, cultural, educational, health and psychological aspects of the lives of hundreds of thousands of Palestinians as well as their familial unity, it prevents Palestinians from having access to their natural resources and it constitutes a major obstacle to achieving a just and lasting peace on the basis of the two-State solution, with an independent Palestinian State and Israeli State, the only solution which guarantees peace and stability in the region, and it also prevents Palestinians from exercising their right to self-determination; and calls on Israel immediately to stop the construction of the said wall and to raze what it has already built of this wall inside the Palestinian territories occupied since 1967;

20. *Requests* the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and, in his capacity as a monitoring mechanism, to follow up on the implementation of these recommendations and to report thereon to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session, until the end of the mandate of the Special Rapporteur, as established in Commission resolution 1993/2 A of 19 February 1993;

21. *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 end of the Israeli occupation of the Palestinian territories;

22. *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 sixty-first session;

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

24. *Decides* to consider this question at its sixty-first session under the same agenda item, as a matter of high priority.

49th meeting

15 April 2004

[Adopted by a recorded vote of 31 votes to 7,

with 15 abstentions. See chap. VIII.]

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