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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

(in pursuance of General Assembly resolution 40/161 F)

1. The present report is submitted in pursuance of General Assembly resolution 40/161 F of 16 December 1985, the operative part of which reads as follows:

"The General Assembly,

"...

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council 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 Heights was null and void and without international legal effect and demanded that Israel, the occupying Power should rescind forthwith its decision;

"2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan Heights;

"3. 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 Syrian Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

"4. Strongly condemns Israel for its attempts and measures to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan Heights and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan Heights;

"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 submit to the General Assembly at its forty-first session a report on the implementation of the present resolution..

2. In order to fulfil his reporting responsibility under the resolution, the Secretary-General, on 13 February 1987, addressed to the Permanent Representative of Israel to the United Nations a note verbale in which he requested that the Permanent Representative inform him of any steps which the Government of Israel had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. On 2 July 1986, the Acting Permanent Representative of Israel replied that the position of his Government on the resolution had been the subject of a letter by the Permanent Representative of Israel dated 29 December 1981, addressed to the Secretary-General, which had been included in the Secretary-General's report of 31 December 1981 (S/14821, para. 3).

4. In light of paragraph 5 of the resolution, the Secretary-General, on 13 February 1986, also addressed notes verbale to the Permanent Representatives of all other Member States, in which he referred to his reporting responsibility under the resolution and requested them to inform him of any measures their Governments had taken or envisaged taking in implementation of the resolution. The replies received from the Botswana, Czechoslovakia, Iraq and the Sudan are reproduced in the annex to the present report.

*A/41/50/Rev.1.

ANNEX

Replies received from Member States

BOTSWANA

[Original: English]

[4 March 1986]

The Government of Botswana having no relations of any kind with the State of Israel it should be taken for granted that Botswana cannot recognize any legislative and administrative measures taken by Israel in the occupied territories. It is therefore logical that we should find no difficulty in complying with the pertinent Geneva Convention.

BULGARIA

[Original: French]

[9 July 1986]

1. The People's Republic of Bulgaria has consistently supported the resolutions and decisions of the General Assembly and of the Security Council condemning the actions and practices of Israel in the Arab territories which it has occupied since 1967. This aggressive policy pursued by Israel under the protection of the United States is the principal obstacle to a comprehensive, just and lasting solution to the problem of the Near East. The measures and actions taken by Israel to change the physical character, demographic composition, institutional structure and legal status of the occupied territories, including Jerusalem, constitute a flagrant violation of the norms of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and are without legal effect.

2. The People's Republic of Bulgaria does not recognize any of the changes made by Israel in the occupied territories, and it engages in no activity, including activity in the field of assistance, which could be used by Israel to further its policy of annexation and colonization of these territories.

3. It strongly condemns Israel for its attempts to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Golan Heights, which constitute a flagrant violation of the norms of international law and which it considers to be without legal effect.

4. The people's Republic of Bulgaria supports the just struggle of the Arab peoples for a settlement of the problem of the Near East and is deeply convinced that the most serious and constructive prospect for its comprehensive, just and lasting solution is offered by the initiative of the Soviet Union of 29 July 1984 concerning the convening of an international conference under the auspices of the United Nations with the participation of all parties concerned, including the PLO. Bulgaria is ready to do everything in its power in order that this objective may be attained.

CZECHOSLOVAKIA

[Original: English]

[30 June 1986]

1. Czechoslovakia strongly condemns the policy of annexation and aggression pursued by Israel. As an expression of protest against that policy,

Czechoslovakia suspended its diplomatic relations with the State of Israel immediately following the Israeli occupation of large Arab territories in June 1967. Czechoslovakia resolutely demands that Israel withdraw from all occupied Arab territories, make reparations for all the consequences of its aggressions and respect the legitimate rights of the Arab people of Palestine, including their right to self-determination and to the establishment of an independent State of their own.

2. Czechoslovakia has never recognized and will never recognize any measures taken by the occupying Israeli authorities aimed at altering the legal status, geographical character or demographic composition of the occupied Palestinian and other Arab territories, including the Arab sector of Jerusalem. Czechoslovakia notes with deep concern the news about continuing attempts of the Israeli occupants to annex and illegally colonize the Arab territories. In the same spirit, Czechoslovakia strongly condemns the illegal practices of repressions against the inhabitants of those territories as committed by the Israeli occupants in disregard of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

3. Czechoslovakia expresses its full support for the adopted United Nations resolutions condemning Israeli practices in the occupied Arab territories. Czechoslovakia considers that all States Members of the United Nations should do their utmost to secure their implementation on the part of the State of Israel.

IRAQ

[Original: Arabic]

[5 May 1986]

1. The Iraqi viewpoint concerning resolution 40/161 F, referred to in the note of the Secretary-General, is as described below.

2. The gravest issue to which attention must be drawn is the fact that the bilateral and multilateral agreements concluded with Israel, whether economic, political or legal, have, with regard to Israeli implementation of them and the actual compliance of the other parties with them, come to constitute, as it were, implicit recognition of the annexation of the occupied Arab territories and the merging of their economies with the Israeli economy. This constitutes a total invalidation of the rights of the Palestinian people which the relevant General Assembly resolutions seek to protect.

3. Accordingly, the Government of the Republic of Iraq considers that it is the duty of the United Nations to study and adopt measures to ensure that no scope is given in implementation to any Israeli political and economic exploitation such as would render the rights of the Palestinian people devoid of any true content.

SUDAN

[Original: English]

[25 June 1986]

1. The Government of the Republic of the Sudan reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is clearly and evidently applicable to the Palestinians and other Arab territories occupied by Israel since 1967.

2. Accordingly the Government of the Republic of the Sudan considers that Israel, the occupying Power, should fully and strictly comply with its international obligations in accordance with the provisions of the Geneva Convention and should desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem.

3. The Government of the Republic of the Sudan, which strongly condemns all legislative or administrative measures and actions of the type referred to in resolution 40/161 F, considers all such legislative or administrative measures and actions as null and void, and believes that it is the responsibility of the international community to force Israel to rescind them.
