



Economic and Social Council

Distr.
LIMITEDE/CN.4/2005/L.4
22 March 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 8QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINEIndonesia and Libyan Arab Jamahiriya (on behalf of
the Arab Group)* : draft resolution2005/... Israeli practices affecting the human rights of the Palestinian people
in the Occupied Palestinian Territory, including East Jerusalem*The Commission on Human Rights,**Recalling* the applicability of the Geneva Convention relative to the Protection of Civil Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the relevant resolutions of the Security Council and the Commission on Human Rights,*Taking note* of the recent reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 ([A/59/256](#) and [E/CN.4/2005/29](#) and [Add.1](#)),*Expressing grave concern* about the extrajudicial executions and the use of force by Israel against the Palestinian civil population, inflicting heavy casualties, and the continued targeting of schoolchildren, which led to loss of lives and fatal injuries,*Condemning* the denial by Israel of access to hospitals for Palestinian pregnant women, which forces them to give birth at checkpoints under hostile, inhumane and humiliating conditions,*Asserting* that the punitive measures imposed by Israel, the occupying Power, on the Palestinian civil population, including collective punishment, border closures and severe restrictions on the movement of people and goods, arbitrary arrests and detentions, destruction of homes and vital infrastructure, including religious, educational, cultural and historical sites, led to a steep deterioration in the socio-economic conditions, perpetuating a dire humanitarian crisis throughout the Occupied Palestinian Territory, including East Jerusalem, and affirming that these punitive measures violate the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,*Recalling* the [advisory opinion](#) rendered on 9 July 2004 by the International Court of Justice and General Assembly resolution ES-10/15 of 20 July 2004, and reaffirming the principle of the inadmissibility of the acquisition of territory by force,*Noting in particular* the court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law,*Welcoming* the decision of the Secretary-General to establish a register of damage caused by the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem,*Condemning* the continued systematic violations of the human rights of the Palestinian people by Israel, the occupying Power, arising from the settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,*Welcoming* the recent free and democratic Palestinian presidential election in the Occupied Palestinian Territory, including East Jerusalem,*Affirming* that the obstructive measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, during the Palestinian presidential campaign and election, including arbitrary arrest, detention of candidates and denying access to polling stations, constitute a breach of the principles and provisions of international covenants and instruments related to the right to self-determination, [1](#),*Expressing deep concern* that thousands of Palestinians, including children, continue to be held in Israeli prisons and detention centres under harsh conditions impairing their well-being, and also expressing deep concern about their ill-treatment, harassment and reports of torture, *Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,*Stressing* the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process and the

implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Stressing the necessity for the full implementation of all relevant United Nations resolutions,

1. *Reiterates* that all actions and punitive measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity, and thereby demands that Israel, the occupying Power, comply fully with its provisions and cease immediately all measures and actions taken in violation and in breach of the Convention, including extrajudicial executions;

2. *Condemns* the use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

3. *Urges* all Member States signatories to the Fourth Geneva Convention to express the inadmissibility of the ongoing violation of the rights of Palestinian civilians, especially women and children, stipulated in these instruments, and to demand their effective observance by Israel, the occupying Power;

4. *Requests* the United Nations High Commissioner for Human Rights to address the issue of Palestinian pregnant women giving birth at Israeli checkpoints owing to denial of access by Israel to hospitals, with a view to ending this inhumane Israeli practice, and to report thereon to the General Assembly at its sixtieth session and the Commission at its sixty-second session;

5. *Calls upon* Member States to take the necessary measures that fulfil their obligations under the instruments of international human rights law and international humanitarian law to ensure that Israel ceases killing, targeting, arresting and harassing Palestinians, particularly women and children;

6. *Requests* the High Commissioner for Human Rights to demand, in accordance with her mandate, the immediate release of the Palestinian detainees, including women, children and the sick, and the investigation of reported cases of torture, harassment or ill-treatment and the bringing to justice of Israeli officers involved in the abuse of detainees;

7. *Requests* Israel, the occupying Power, to facilitate the forthcoming Palestinian legislative elections in the Occupied Palestinian Territory, including East Jerusalem, and demands that it refrain from all acts that interfere in, obstruct or impede these elections;

8. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution [ES-10/15](#) and resolution [ES-10/13](#) of 21 October 2003, and that it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

9. *Calls for* the boycott of firms involved in the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

10. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world as a sine qua non for resolving the humanitarian crisis throughout the Occupied Palestinian Territory, restoring the livelihoods of the Palestinian people and rebuilding their ravaged institutions and economy;

11. *Requests* the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session, in compliance with his mandate;

12. *Decides* to continue its consideration of this question at its sixty-second session.

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