



DIVISION FOR PALESTINIAN RIGHTS

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I. ACTION TAKEN BY THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

On 5 February 1986, in a letter addressed to the Secretary-General, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People drew his attention to the deportation orders issued by the Israeli military authorities against Palestinians in the occupied West Bank. The full text of the letter is as follows: 1/

"In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to bring to your attention still further information concerning deportation orders issued by the Israeli military authorities against Palestinians in the occupied West Bank. I previously discussed this matter with you in my letter of 13 November 1985 (A/40/889-S/17630), in which I conveyed to you information concerning the measures implemented by the Israeli authorities against Palestinians who are considered 'security risks'.

"According to a Reuters dispatch of 30 January 1986 and a news item in The New York Times of 31 January 1986, three of the Palestinians cited in my letter of 13 November 1985 have withdrawn their High Court appeals against their deportation orders. They are identified as: Mr. Ali Abu Hilal, member of the Executive Committee of the General Confederation of Palestinian Trade Unions; Dr. Azmi Al-Shuiabi, a dentist and elected member of the El-Bireh Municipal Council (dissolved by the Israeli occupation authorities in 1982); and Mr. Hassan Abdul Jawad Farrarjeh, a journalist and head of the Dheisheh refugee camp youth centre (closed by the Israeli occupation authorities in 1983).

"The three Palestinians said that they could not expect to get a fair trial in Israel. Under Israeli law, defence lawyers are not allowed to view evidence against their clients which judges believe would harm Israeli intelligence networks in the occupied territories. The High Court had, moreover, decided to disallow defence arguments that were based on the applicability of the fourth Geneva Convention to the occupied Palestinian territories.

"I regret to inform you that the deportation orders against these three Palestinians have already been carried out, despite the obvious injustice of a measure against which there have been numerous protests, in Israel as well as abroad.

"According to The Jerusalem Post of 26 January 1986, the military government has served deportation orders on four other West Bank Palestinians. If they take place, these new deportations will bring the number of Palestinians expelled from the occupied territories since last summer to 29.

"In the light of the stepped-up measures taken by the Israeli military authorities against the population of the occupied Palestinian territories, it should be recalled that the Security Council has on several occasions reaffirmed that the fourth Geneva Convention of 1949 is applicable to the territories occupied by Israel since 1967 and has called upon Israel scrupulously to observe the provisions of that Convention. In its resolution 40/161 of 16 December 1985, the General Assembly called upon Israel to rescind its illegal decision to expel the Palestinians mentioned therein and to desist forthwith from expelling Palestinians in violation of the fourth Geneva Convention.

"The Committee on the Exercise of the Inalienable Rights of the Palestinian People wishes to reiterate its deep concern at the measures taken by the Israeli authorities, which only heighten tensions in the region and present a serious obstacle to international action for a just and lasting solution to the question of Palestine, which is at the core of the Middle East conflict.

"In conclusion, I should be grateful if you would have this letter circulated as a document of the General Assembly, under the item entitled 'Question of Palestine', and of the Security Council."

II. THE COMMISSION ON HUMAN RIGHTS ADOPTS RESOLUTIONS ON THE QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE.

The following resolutions were adopted by the Commission on Human Rights on 20 February 1986:*

A

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations as well as the principles and 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,

"Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the provisions of the Hague Agreement of 1907, and of other relevant conventions and regulations,

"Taking into consideration General Assembly resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression 'the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof'

*The final edited text of these resolutions will be published in report of the forty-second session of the Commission on Human Rights.

"Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 37/88 A to G of 10 December 1982, 37/123 A to F of 16 and 20 December 1982, 38/58 A to E of 13 December 1983, 38/79 A to H of 15 December 1983, 39/49 A to D of 11 December 1984 and 39/95 A to H of 14 December 1984, 40/161 A to G of 13 December 1985 and all other relevant General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

"Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

"Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization as well as the report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, the Geneva Declaration adopted by the International Conference on the Question of Palestine held at Geneva from 29 August to 7 September 1983, and the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, particularly its report A/40/702 of 4 October 1985,

"Recalling its previous resolutions in this connection, particularly resolutions 1982/1 A and B of 11 February 1982, 1983/1 A and B and 1983/2 of 15 February 1983 and 1984/1 A and B, 1984/2 of 20 February 1984 and 1985/1 A and B of 19 February 1985 on the 'Question of the violation of human rights in the occupied Arab territories, including Palestine',

"1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the occupied Arab territories including Palestine;

"2. Denounces the continued refusal of Israel to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the occupied territories;

"3. Reiterates the deep concern expressed by the Special Committee in its reports submitted to the General Assembly that Israel's policy in the occupied territories is based on the so-called 'Homeland' doctrine which envisages a monoreligious (Jewish) State that includes territories occupied by Israel since June 1967, and the affirmation

by the Special Committee that this policy not only denies the right to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights;

- "4. Reaffirms the fact that Israel's continuous grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and of the Additional Protocols to the Geneva Conventions are war crimes and an affront to humanity;
- "5. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and to change the physical character, demographic composition, institutional structure or status of the occupied territories, including Jerusalem, and considers all these measures and their consequences null and void;
- "6. Strongly condemns Israel's attempts to subject the West Bank and the Gaza Strip to Israeli laws;
- "7. Strongly condemns all the terrorist actions perpetrated against the Palestinian inhabitants of the occupied territories by Jewish gangs, led by Rabbi Meir Kahane, member of the Knesset, and the Racist Rabbi Moshe Levinger, the leader of the Gush Emunim gang, and other racist Zionists;
- "8. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:
 - "(a) The annexation of parts of the occupied territories, including Jerusalem;
 - "(b) The continuing establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto;
 - "(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, and the perpetration of acts of violence by these armed settlers against individuals from Palestinian camps and institutions, causing injury and death and wide-scale damage to Arab property;
 - "(d) Striking at Muslim and Christian religious and Holy places and repeated attacks on Al Aqsa Mosque aiming at seizing and destroying it;
 - "(e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, the denial of their right to return to their homeland and the transfer and settlement

of alien populations brought from other parts of the world in the place of the original Palestinian owners of land;

"(f) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other;

"(g) The destruction and demolition of Arab houses;

"(h) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population, the torture of persons under detention and the inhuman conditions in prisons;

"(i) The pillaging of archaeological and cultural property;

"(j) The interference with religious freedoms and practices as well as with family rights and customs;

"(k) The systematic Israeli repression of cultural and educational institutions, especially universities, schools and institutes, in the occupied Palestinian territories, closing them or restricting and impeding their academic activities by subjecting selection of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities and by expelling numerous faculty members of several universities for refusing to sign statements containing political positions, in flagrant defiance and disregard of their right to academic freedom;

"(l) Expropriation and exploitation of the natural wealth, water and other resources which belong to the inhabitants of the occupied territories;

"(m) The dismantling of municipal services by dismissing the elected mayors as well as the municipal council and preventing the flow of Arab aid funds to the population of the occupied territories;

"9. Calls upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967;

"10. Calls upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the municipal chiefs to their municipalities so that they can resume the functions for which they were elected;

- "11. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and, pending their release, to accord them the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;
- "12. Reiterates its call to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution;
- "13. Urges Israel to refrain from the policies and practices violating human rights in the occupied territories, and to report, through the Secretary-General, to the Commission at its forty-third session on the implementation of this resolution;
- "14. Requests the General Assembly, through the Economic and Social Council, to recommend to the Security Council the adoption against Israel of the measures referred to in Chapter VII of the Charter of the United Nations for its persistent violation of the human rights of the population of the Palestinian and other occupied Arab territories;
- "15. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission of Human Rights at its forty-third session;
- "16. Further requests the Secretary-General to provide the Commission with all United Nations reports appearing between sessions of the Commission and dealing with the situation of the population of those occupied territories;
- "17. Decides to place on the provisional agenda of the forty-third session, as a matter of high priority, the item entitled 'Question of the violation of human rights in the occupied Arab territories, including Palestine'.

B

"The Commission on Human Rights,

"Recalling its resolutions 1982/1 B of 11 February 1982, 1983/1 B of 15 February 1983, 1984/1 B of 20 February 1984 and 1985/1 A-B of 19 February 1985, General Assembly resolutions 2674 and 2675 (XXV) of 9 December 1970, 3092 A (XXVIII) of 7 December 1973, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 A of 16 December 1981, 37/88 of 10 December 1982, 38/79 B of 15 December 1983, 39/95 D of 14 December 1984, and 40/161 A to G (XL) of 1985,

"Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

"Recalling resolution III on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, adopted by the Twenty-fourth International Conference of the Red Cross held at Manila in November 1981,

"Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 must be fully applied in all circumstances to all persons protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

"Deeply alarmed at the situation of Palestinians detained by Israel in Israeli prisons,

"Recognizing that the persistent refusal of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War creates a situation fraught with danger, and considering that it persists in violating human rights,

"Taking into account that States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

- "1. Reaffirms the fact that the fundamental human rights as established by international law and set forth in international instruments remain fully applicable in cases of armed conflict;
- "2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;
- "3. Expresses its deep concern at the consequences of Israel's systematic refusal to apply that Convention in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem;
- "4. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;
- "5. Strongly condemns Israel for its policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons;
- "6. Urges Israel to acknowledge, according to the Geneva Convention relative to the treatment of prisoners of war, of 12 August 1949, the status of prisoners of war for all Palestinian fighters captured by Israel, and to treat them accordingly;
- "7. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem; requests Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague agreement of 1907 and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;
- "8. Urges once more all States parties to that Convention to make every effort to ensure respect for and compliance with the provisions of the Geneva Agreement of 1949 in all the Arab territories occupied by Israel since 1967, including Jerusalem;

"9. Strongly condemns Israel for its deportation of the liberated Palestinian prisoners in contravention of the agreement for the exchange of prisoners, and in violation of the principles of international law and United Nations resolutions, and calls upon Israel, the occupying power, to refrain forthwith from the deportation of Palestinians to rescind the deportation decision in order to enable those who were deported to return to their homeland and property, and to strictly comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"10. Urges Israel to co-operate with the International Committee of the Red Cross and to allow it to visit all Palestinian detainees in Israeli prisons.

"11. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission on Human Rights at its forty-third session;

"12. Decides to place this subject on the provisional agenda for its forty-third session as a matter of high priority."

III. NON-GOVERNMENTAL ORGANIZATIONS: ACTIVITY AND INFORMATION

1. The North American Interim Co-ordinating Committee of NGOs on the Question of Palestine met at the United Nations Headquarters on 25 and 26 February 1986. This group, elected by representatives to the Second North American Regional Symposium on the Question of Palestine last June, was commissioned to make proposals for the format, agenda and resource persons for the Third North American Regional Symposium to be held at the United Nations Headquarters on 11 to 13 June 1986. They will present their suggestions to the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Members of the Committee are as follows:

Norma Tower, American Friends Service Committee;
Mary Appelman, America-Israel Council for Israeli-Palestinian Peace;
Ethel Born, Board of Global Ministries, United Methodist Church;

Rashad Saleh, Canadian Arab Federation;
Audrey Shabbas, NAJDA (Women concerned about the Middle East);
James Graff, Near East Cultural and Educational Foundation of Canada;
Donald Betz, Palestine Human Rights Campaign.

2. The Palestine Aid Society reports that among other activities during 1985, it co-ordinated joint activities to protest the renewed Israeli practice of deporting political activists from the occupied territories and presented testimony before the Congressional Black Caucus on the Status of Palestine.

3. The Polish Committee for Solidarity with the Peoples of Asia, Africa and Latin America sponsored the establishment of the Polish-Palestinian Friendship Society with groups of journalists, parliamentarians, scientists, former diplomats and others interested in Palestinian affairs.

The Committee co-operates with the PLO and also with other Palestinian organizations, receiving delegations, organizing speaking tours and public meetings. It sponsors rallies, film showings and issues statements which are used by TV, radio and the press.

Toronto University's Middle East Group has informed us of the creation of the Committee Against the Iron Fist. This organization of Israelis and Palestinians is working to put an end to administrative detentions and other practices which they deem to be violations of internationally-recognized rights to due process and fair treatment. They will sponsor an International Day of Fast on 17 April 1986 to signify support for detainees and their families.

Notes

1/ A/41/140-S/17800.
