



General Assembly

A/RES/40/161 (A-G)
16 December 1985

**40/161. Report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Population
of the Occupied Territories**

A

The General Assembly,

Recalling its resolutions 38/79 A of 15 December 1983 and 39/95 A of 14 December 1984,

Taking note of the report of the International Committee of the Red Cross of 13 December 1983,^{1/}

Taking note also of the report of the Secretary-General of 30 September 1985,^{2/}

Taking note further of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,^{3/}

1. *Calls upon* Israel to release all Arabs arbitrarily detained and/or imprisoned as a result of their struggle for self-determination and for the liberation of their territories;
2. *Notes* the initial release of Ziyad Abu Eain, among others, from prison on 20 May 1985;
3. *Deplores* the Israeli subsequent arbitrary detention of Ziyad Abu Eain and others;
4. *Demands* that the Government of Israel, the occupying Power, rescind its action against Ziyad Abu Eain and others and release them immediately;
5. *Requests* the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

B

The General Assembly,

Recalling Security Council resolution 465 (1980) of 1 March 1980, in which, *inter alia*, the Council affirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{4/} is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling also its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 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 A of 10 December 1982, 38/79 B of 15 December 1983 and 39/95 B of 14 December 1984,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention,

Noting that Israel and the Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to the Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

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 1967, including Jerusalem;

2. *Condemns* once again the failure of Israel, the occupying Power, to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

3. *Strongly demands* that Israel acknowledge and comply with the provisions of that Convention in the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. *Urgently calls upon* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with its provisions in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

5. *Requests* the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

C

The General Assembly,

Recalling Security Council resolution 465 (1980) of 1 March 1980,

Recalling also its resolutions 32/5 of 28 October 1977, 33/113 B of 18 December 1978, 34/90 C of 12 December 1979, 35/122 B of 11 December 1980, 36/147 B of 16 December 1981, 37/88 B of 10 December 1982, 38/79 C of 15 December 1983 and 39/95 C of 14 December 1984,

Expressing grave anxiety and concern at the present serious situation in the occupied Palestinian and other Arab territories, including Jerusalem, as a result of the continued Israeli occupation and the measures and actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories,

Confirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949⁴ is applicable to all Arab territories occupied since June 1967, including Jerusalem,

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are 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 constitute a serious obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East and therefore have no legal validity;

2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;

3. *Demands* that Israel comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention;

4. *Demands once more* that Israel, the occupying Power, 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;

5. *Urgently calls upon* all States parties to the Geneva Convention to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all Arab territories occupied by Israel since 1967, including Jerusalem;

6. *Requests* the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

D

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the principles and provisions of the Universal Declaration of Human Rights,^{5/}

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{4/} as well as of other relevant conventions and regulations,

Recalling all its resolutions on the subject, in particular, resolutions 32/91 B and C of 13 December 1977, 33/113 C of 18 December 1978, 34/90 A of 12 December 1979, 35/122 C of 11 December 1980, 36/147 C of 16 December 1981, 37/88 C of 10 December 1982, 38/79 D of 15 December 1983 and 39/95 D of 14 December 1984,

Recalling also the relevant resolutions adopted by the Security Council, by the Commission on Human Rights, in particular its resolutions 1983/1 of 15 February 1983^{6/} 1984/1 of 20 February 1984^{7/} 1985/1 A and B of 19 February 1985^{8/} and 1985/2 of 19 February 1985^{8/} and by other United Nations organs concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,^{3/} which contains, *inter alia*, self-incriminating public statements made by officials of Israel, the occupying Power,

Taking note of the letter dated 29 July 1985 from the Permanent Representative of Jordan addressed to the Secretary-General^{9/} concerning the closing down of the Roman Catholic Medical Facility Hospice at Jerusalem,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Demands* that Israel allow the Special Committee access to the occupied territories;

4. *Reaffirms* the fact that occupation itself constitutes a grave violation of the human rights of the civilian population of the occupied Arab territories;

5. *Condemns* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which the Convention designates as "grave breaches" thereof;

6. *Declares once more* that Israel's grave breaches of that Convention are war crimes and an affront to humanity;

7. *Reaffirms*, in accordance with the Convention, that the Israeli military occupation of the Palestinian and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories;

8. *Strongly condemns* the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories, including Jerusalem;

(b) Imposition of Israeli laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of the Syrian Golan Heights;

(c) Illegal imposition and levy of heavy and disproportionate taxes and dues;

(d) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(e) Eviction, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

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

(g) Excavation and transformation of the landscape and the historical, cultural and religious sites, especially at Jerusalem;

(h) Pillaging of archaeological and cultural property;

(i) Destruction and demolition of Arab houses;

(j) Collective punishment, mass arrests, administrative detention and ill-treatment of the Arab population;

(k) Ill-treatment and torture of persons under detention;

(l) Interference with religious freedoms and practices as well as family rights and customs;

(m) Interference with the system of education and with the social and economic and health development of the population in the occupied Palestinian and other Arab territories;

(n) Interference with the freedom of movement of individuals within the occupied Palestinian and other Arab territories;

(o) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

9. *Condemns* also the Israeli repression against and closing of the educational institutions in the occupied Syrian Golan Heights, particularly the prohibition of Syrian textbooks, Syrian educational system, the deprivation of Syrian students from pursuing their higher education in Syrian universities, the denial of the right to return to Syrian students receiving their higher education in the Syrian Arab Republic, forcing Hebrew on Syrian students, the imposition of courses that promote hatred, prejudice and religious intolerance and the dismissal of teachers, all in clear violation of the Geneva Convention;

10. *Strongly condemns* the arming of Israeli 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, causing injury and death and wide-scale damage to Arab property;

11. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or legal status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations;

12. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 8, 9 and 10 above;

13. *Calls upon* Israel, the occupying Power, to take immediate steps for the return of all displaced Arab and Palestinian inhabitants to their homes or former places of residence in the territories occupied by Israel since 1967, in implementation of Security Council resolution 237 (1967) of 14 June 1967;

14. *Urges* international organizations, including the specialized agencies, in particular the International Labour Organisation, to examine the conditions of Arab workers in the occupied Palestinian and other Arab territories, including Jerusalem;

15. *Reiterates its call* upon all States, in particular those States parties to the Geneva Convention, in accordance with article 1 of that Convention, and upon international organizations, including the specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

16. *Requests* the Special Committee, pending early termination of Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

17. *Requests* the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

18. *Condemns* Israel's refusal to permit persons from the occupied territories to appear as witnesses before the Special Committee and to participate in conferences and meetings held outside the occupied territories;

19. *Requests* the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(d) To report to the General Assembly at its forty-first session on the tasks entrusted to him in the present paragraph;

20. *Requests* the Security Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories;

21. *Calls upon* Israel, the occupying Power, to allow the reopening of the Roman Catholic Medical Facility Hospice at Jerusalem in order to continue to provide needed health and medical services to the Arab population in the city;

22. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

E

The General Assembly,

Recalling Security Council resolutions 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980 and 484 (1980) of 19 December 1980,

Recalling also its resolutions 36/147 D of 16 December 1981, 37/88 D of 10 December 1982, 38/79 E of 15 December 1983 and 39/95 E of 14 December 1984,

Taking note of the report of the Secretary-General of 14 August 1985,^{10/}

Deeply concerned at the expulsion by the Israeli military occupation authorities of the Mayor of Halhul, the Mayor of Hebron who has since died, the Sharia Judge of Hebron and, in 1985, other Palestinians,

Alarmed by the decision of the Israeli military occupation authorities on 26 October 1985 to expel four Palestinian leaders,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{4/} in particular article 1 and the first paragraph of article 49, which read as follows:

"Article 1

"The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

"Article 49

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive ...",

Reaffirming the applicability of the Geneva Convention to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

1. *Strongly condemns* Israel, the occupying Power, for its persistent refusal to comply with the relevant Security Council and General Assembly resolutions;
2. *Demands* that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayor of Halhul, the Sharia Judge of Hebron and, in 1985, other Palestinians and that it facilitate the immediate return of the expelled Palestinians so that they can, *inter alia*, resume the functions for which they were elected and appointed;
3. *Calls upon* Israel, the occupying Power, to rescind its illegal decision taken on 26 October 1985 and refrain from deporting the four Palestinian leaders;
4. *Further calls upon* Israel, the occupying Power, to cease forthwith the expulsion of Palestinians and to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
5. *Requests* the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

F

The General Assembly,

Deeply concerned that the Arab territories occupied since 1967 have been under continued Israeli military occupation,

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

Recalling also its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983 and 39/95 F of 14 December 1984,

Having considered the report of the Secretary-General of 18 September 1985,^{11/}

Recalling its previous resolutions, in particular resolutions 3414 (XXX) of 5 December 1975, 31/61 of 9 December 1976, 32/20 of 25 November 1977, 33/28 and 33/29 of 7 December 1978, 34/70 of 6 December 1979 and 35/122 E of 11 December 1980, in which it, *inter alia*, called upon Israel to put an end to its occupation of the Arab territories and to withdraw from all those territories,

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

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,^{4/}

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 Arab 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 Arab 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.

G

The General Assembly,

Bearing in mind the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,^{4/}

Deeply concerned at the continued harassment by Israel, the occupying Power, against educational institutions in the occupied Palestinian territories,

Recalling its resolutions 38/79 G of 15 December 1983 and 39/95 G of 14 December 1984,

Taking note of the report of the Secretary-General of 14 August 1985,^{12/}

Taking note of the relevant decisions adopted by the Executive Board of the United Nations Educational, Scientific and Cultural Organization concerning the educational and cultural situation in the occupied territories,

1. *Reaffirms* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;
2. *Condemns* Israeli policies and practices against Palestinian students and faculties in schools, universities and other educational institutions in the occupied Palestinian territories, especially the policy of opening fire on defenceless students, causing many casualties;
3. *Condemns* the systematic Israeli campaign of repression against and closing of universities and other educational and vocational institutions in the occupied Palestinian territories, restricting and impeding the academic activities of Palestinian universities by subjecting the selection of courses, textbooks and educational programmes, the admission of students and the appointment of faculty members to the control and supervision of the military occupation authorities, in clear contravention of the Geneva Convention;
4. *Demands* that Israel, the occupying Power, comply with the provisions of that Convention, rescind all actions and measures against all educational institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of the universities and other educational institutions;
5. *Requests* the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

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^{1/} See A/38/735.

- 2/ A/40/686.
- 3/ See A/40/702.
- 4/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.
- 5/ Resolution 217 A (III).
- 6/ See Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.
- 7/ Ibid., 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II, sect. A.
- 8/ Ibid., 1985, Supplement No. 22 (E/1985/22), chap. II, sect. A.
- 9/ A/40/517-S/17371.
- 10/ A/40/541.
- 11/ A/40/649 and Add.1.
- 12/ A/40/542.
