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COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

**Bahrain, Egypt, Indonesia, Lebanon*, Libyan Arab Jamahiriya*,
Malaysia*, Mauritania, Morocco*, Pakistan, Qatar, Saudi Arabia,
Senegal*, Sudan, Syrian Arab Republic*: draft resolution
2004/... Human rights situation of the Lebanese detainees in Israel**

The Commission on Human Rights,

Recalling the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978 (S/2000/460), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Council (S/PRST/2000/18),

Taking into consideration Security Council resolutions 1391 (2002) of 28 January 2002, in particular paragraph 11, 1461 (2003) of 30 January 2003, in particular paragraph 10, and 1525 (2004) of 30 January 2004, in particular paragraph 9, in which the Council stressed the necessity to provide the Government of Lebanon and the United Nations Interim Force in Lebanon with any additional maps and records on the location of mines,

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Conventions of 1977,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon as well as persistent violations by Israel of the airspace and territorial waters of Lebanon,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

Commending the mediation efforts of Germany which led to the exchange of detainees and mortal remains on 29 January 2004,

Bearing in mind that the exchange process did not lead to the release of all the Lebanese nationals taken into detention by Israel during the occupation of southern Lebanon,

Concerned at the continued concealment by Israel of the fate of scores of Lebanese missing persons as well as of bodies of deceased Lebanese nationals who had been taken into detention or transferred by Israel to Israeli prisons during the occupation of southern Lebanon,

Affirming that keeping Lebanese detainees in Israeli prisons without trial and holding them hostage as bargaining pawns constitutes a flagrant violation of the principles of international law and human rights,

Gravely concerned about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths, injuries and permanent disabilities among civilians, including women and children,

Noting that the Government of Lebanon has found that most of the documents and maps of minefields submitted by Israel on the occasion of the recent exchange of prisoners are a repetition of information previously transmitted through the United Nations on 21 December 2001, except information and maps concerning eight new minefields, five of which are located on the Israeli side of the border with Lebanon,

Deploing the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

Reaffirming its resolutions 2001/10 of 18 April 2001, 2002/10 of 19 April 2002 and 2003/8 of 15 April 2003 and expressing its deep regret at the failure of the Government of Israel to implement these resolutions fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions, of 12 August 1949, on the protection of victims of war and the Additional Protocols thereto of 1967;

2. *Also calls upon* the Government of Israel to release immediately all remaining Lebanese nationals who were taken into detention under the Israeli occupation and are held hostage in Israeli prisons as bargaining pawns, to disclose the fate of Lebanese missing persons whom it detained and to return the bodies of the deceased, in compliance with all relevant Geneva conventions and provisions of international law,

3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit regularly the Lebanese nationals who remain in detention and to allow other international humanitarian organizations to do so in order to look into their sanitary and humanitarian conditions and, in particular, the circumstances of their detention, as well as to determine the fate of the Lebanese nationals missing as a result of the Israeli occupation;

4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps that remain in its possession, indicating the location of all the mines it laid throughout civilian villages, agricultural fields and farmland, which are causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;

5. *Requests* the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to call upon the Government of Israel to comply with its provisions;

(b) To report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session on the results of his efforts in this regard;

6. *Decides* to continue its consideration of the situation of the Lebanese detainees as well as the Lebanese missing persons in Israel at its sixty-first session.

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