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COMMISSION ON HUMAN RIGHTS
Forty-ninth session

Question of the violation of human rights in the occupied Arab territories, including Palestine

Commission on Human Rights resolution 1993/2

A

The Commission on Human Rights,

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

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, in particular resolutions 252 (1968) of 25 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Noting with great concern the Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights,

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, which violate the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them, as has happened continuously since the eruption of the Palestinian people's intifada against the Israeli military occupation; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; the ransacking of property belonging individually or collectively to private persons; collective punishment; arbitrary and administrative detention of thousands of Palestinians; the confiscation of property of Palestinians, including their bank accounts; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Jewish settlements in the occupied Palestinian territory;
2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations, as has been expressed by the Palestinian people in their brave intifada since December 1987, in legitimate resistance against the Israeli military occupation;

3. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;
4. Decides to appoint a special rapporteur with the following mandate:
 - (a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;
 - (b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;
 - (c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories;
5. Calls upon Israel to cooperate with the Special Rapporteur and facilitate his task;
6. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations, including those of the Commission, in this regard;
7. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;
8. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;
9. Decides to consider the question at its fiftieth session as a matter of priority.

29th meeting
19 February 1993

[Adopted by a roll-call vote of 26 to 16,
with 5 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions related to 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 occupied Arab territories and the condemnation by the Security Council of Israel for its refusal to abide by the Convention, particularly resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Recalling all relevant General Assembly resolutions on the applicability to the occupied Palestinian territory of the Convention which urge Israel's commitment to and respect for their provisions,

Recalling also the decisions of the International Conference of the Red Cross in respect of the application of the Convention in all circumstances and the statements of the International Committee of the Red Cross which condemn the continuous grave violations by Israel of the provisions of the Convention and its refusal to apply those provisions in the occupied territories,

Taking into account that the States parties to the Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Noting with great concern the report of the Secretary-General (S/25149) submitted to the Security Council, which affirmed the refusal of Israel to comply with the resolutions of the Security Council and recommended that the Security Council take the necessary measures to force Israel to adhere to resolution 799 (1992) and to implement it,

Recalling all its previous resolutions on the subject,

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 all other Arab territories occupied by Israel since 1967, including Jerusalem, and that Israel's long-standing refusal to apply the Convention to those territories has led to the perpetration by the Israeli authorities of grave violations of human rights against Palestinian citizens, and calls upon Israel to comply with its international commitments, to respect the Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. Urges once more all States parties to the Convention to make every effort to ensure the Israeli occupation authorities' respect for and compliance with the provisions of the Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation, in accordance with the provisions of article 1 and other relevant articles of the Convention as well as article 89 of Additional Protocol I to the four Geneva Conventions; also urges the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to act in accordance with article 90 of Additional Protocol I by requesting the fact-finding commission referred to therein to investigate the grave violations of international humanitarian law in the occupied Palestinian territory mentioned in the present resolution;
3. Strongly condemns once more the refusal of Israel to apply the Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and concentration camps and its continued deliberate disregard for the provisions of the Convention, in contravention of resolutions of the Security Council, the General Assembly and the Commission on Human Rights;
4. Strongly condemns Israel for its grave violations of article 49 of the Convention and for continuing its policy of deporting Palestinian citizens and of expelling them from their homeland, as happened to more than four hundred Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the resolutions of the Security Council, particularly resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy which violates the principles of international law;
5. Calls upon Israel to allow all those who have been deported since 1967 to return to their homeland without delay in implementation of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;
6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to report on progress in its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;
7. Decides to consider the question at its fiftieth session as a matter of high priority.

29th meeting

19 February 1993

[Adopted by a roll-call vote of 27 to 1,
with 19 abstentions. See chap. IV.]