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Agenda item 3

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Algeria*, Bahrain*, Bangladesh, Brunei Darussalam*, China, Cuba, Egypt*, Indonesia,
Jordan*, Kuwait*, Lebanon*, Malaysia*, Mauritania*, Morocco, Niger, Oman*, Pakistan,
Palestine*, Qatar, Saudi Arabia*, Senegal, Somalia*, Sudan, Tunisia, Turkey*,
United Arab Emirates*, Yemen*: draft resolution

S-5/... Grave and massive violations of the human rights of the Palestinian people by Israel

The Commission on Human Rights,

Meeting in special session,

Guided by the purposes and principles of the Charter of the United Nations and the various provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling Security Council resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, 1073 (1996) of 28 September 1996 and 1322 (2000) of 7 October 2000,

Recalling also its previous resolutions on the situation of human rights in the occupied Palestinian territories, including Jerusalem, the most recent of which was resolution 2000/6, of 17 April 2000,

Taking note of the report of the Special Rapporteur, Mr. Giorgio Giacomelli (E/CN.4/S-5/3), presented to the special session on 17 October 2000, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Condemning the provocative visit to Al-Haram Al-Sharif on 28 September 2000 by Ariel Sharon, the Likud party leader, which triggered the tragic events that followed in occupied East Jerusalem and the other occupied Palestinian territories, resulting in a high number of deaths and injuries among Palestinian civilians,

Gravely concerned at the widespread, systematic and gross violations of human rights perpetrated by the Israeli occupying Power, in particular mass killings and collective punishments, such as demolition of houses and closure of the Palestinian territories, measures which constitute war crimes, flagrant violations of international humanitarian law and crimes against humanity,

Taking into account the principles of international law and international humanitarian law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the First Additional Protocol thereto of 1977, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990, which prescribe that such officials should, inter alia, “minimize damage and injury, and respect and preserve human life” and “ensure that firearms are used only in appropriate circumstances in a manner likely to decrease the risk of unnecessary harm”,

Bearing in mind the outcome of the Sharm El Sheikh Summit of 17 October 2000,

1. Strongly condemns the disproportionate and indiscriminate use of force in violation of international humanitarian law by the Israeli occupying Power against innocent and unarmed Palestinian civilians, causing the death of 120 civilians, including many children, in the occupied territories, which constitutes a flagrant and grave violation of the right to life and also constitutes a war crime and a crime against humanity;
2. Calls upon Israel, the occupying Power, to put an immediate end to any use of force against unarmed civilians and to abide

scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention;

3. Calls upon the international community to take immediate effective measures to secure the cessation of violence by the Israeli occupying Power and to put an end to the ongoing violations of human rights of the Palestinian people in the occupied territories;
4. Affirms that the Israeli military occupation in itself constitutes a grave violation of the human rights of the Palestinian people;
5. Also affirms that the deliberate and systematic killing of civilians and children by the Israeli occupying authorities constitutes a flagrant and grave violation of the right to life and also constitutes a crime against humanity;
6. Decides to:
 - (a) Establish, on an urgent basis, a human rights inquiry commission, whose membership should be based on the principles of independence and objectivity, to gather and compile information on violations of human rights and acts which constitute grave breaches of international humanitarian law by the Israeli occupying Power in the occupied Palestinian territories and to provide the Commission with its conclusions and recommendations, with the aim of preventing the repetition of the recent human rights violations;
 - (b) Request the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories to take stock of the violations of the human rights of the Palestinian people by the Israeli occupying Power, to facilitate the activities of the mechanisms of the Commission on Human Rights in implementation of the present resolution to keep the Commission on Human Rights informed of developments and to report to the Commission on Human Rights at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session;
 - (c) Request the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Representative of the Secretary-General for internally displaced persons, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on religious intolerance, the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the right to housing and the Working Group on Enforced or Involuntary Disappearances to carry out immediate missions to the occupied Palestinian territories and report the findings to the Commission on Human Rights at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session;
 - (d) Request the High Commissioner 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 ensure the widest possible dissemination of the text of the resolution and to report on its implementation by the Government of Israel to the Commission at its next session;
7. Decides to consider this question at its fifty-seventh session under item 8 of its provisional agenda, as a matter of high priority;
8. Requests the Economic and Social Council to meet on an urgent basis in order to act on the proposals contained in the present resolution.

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