



General Assembly

A/RES/38/79 (A-H)
15 December 1983

38/79. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A

The General Assembly,

Having heard the statement of the representative of the Palestine Liberation Organization 1/ relative to the fate of Ziad Abu Eain,

Taking note of the report of the International Committee of the Red Cross of 13 December 1983,2/

1. *Condemns* Israel for the fact that one prisoner, Ziad Abu Eain, who had been registered before embarkation by delegates of the International Committee of the Red Cross at Tel Aviv Airport, was taken at the last minute by the Israeli authorities;
2. *Demands* the immediate release of Ziad Abu Eain, as well as the other prisoners who were duly registered to be freed from Insar Camp and other military command posts in southern Lebanon but have not in fact been released, and the securing of their transfer to Algiers in conformity with the agreement reached through the good offices of the International Committee of the Red Cross;
3. *Requests* the Secretary-General to report on the implementation of the present resolution.

B

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 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 and 37/88 A of 10 December 1982,

Recalling also 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^{3/} is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

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

Taking into account that States parties to that 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

Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Condemns once again* the failure of Israel as 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 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 Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

C

The General Assembly,

Recalling 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 and 37/88 B of 10 December 1982,

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

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 the Government of Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{3/} 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 obstruction of efforts to achieve a 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 the Government of 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.

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^{4/}

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{3/} 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 and 37/88 C of 10 December 1982, and also those adopted by the Security Council, the Commission on Human Rights, in particular its resolution 1983/1 of 15 February 1983^{5/} and 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^{6/} which contains, *inter alia*, public statements made by officials of the Government of Israel,

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 that 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. *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) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;
 - (d) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;
 - (e) 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;
 - (f) Excavations and transformations of the landscape and the historical, cultural and religious sites, especially at Jerusalem;
 - (g) Pillaging of archaeological and cultural property;
 - (h) Destruction and demolition of Arab houses;
 - (i) Collective punishment, mass arrests, administrative detention and ill-treatment of the Arab population;
 - (j) Ill-treatment and torture of persons under detention;
 - (k) Interference with religious freedoms and practices as well as family rights and customs;
 - (l) Interference with the system of education and with the social and economic development of the population in the occupied Palestinian and other Arab territories;
 - (m) Interference with the freedom of movement of individuals within the occupied Palestinian and other Arab territories;
 - (n) Illegal exploitation of the natural wealth, resources and population of the occupied territories;
8. *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;
9. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or 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;
10. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 7, 8 and 9 above;
11. *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;
12. *Urges* the international organizations and 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;
13. *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 and 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;

14. *Requests* the Special Committee, pending the 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;

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

16. *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;

17. *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 which are no longer available;

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

18. *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 Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories;

19. *Decides* to include in the provisional agenda of its thirty-ninth 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 and General Assembly resolutions 36/147 D of 16 December 1981 and 37/88 D of 10 December 1982,

Deeply concerned at the expulsion by the Israeli military occupation authorities of the Mayors of Hebron and Halhul and of the Sharia Judge of Hebron,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949³ 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. *Demands once more* that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli military occupation authorities in expelling and imprisoning the Mayors of Hebron and Halhul and in expelling the Sharia Judge of Hebron and that it facilitate the immediate return of the expelled Palestinian leaders so that they can resume the functions for which they were elected and appointed;

2. *Requests* the Secretary-General to report to the General Assembly as soon as possible 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 and General Assembly resolutions 36/226 B of 17 December 1981, ES/9/1 of 5 February 1982 and 37/88 E of 10 December 1982,

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 on the occupied 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,^{3/}

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 in 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 Arab 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 thirty-ninth 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,^{3/}

Deeply shocked by the most recent atrocities committed by Israel, the occupying Power, against educational institutions in the occupied Palestinian 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 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 submit a report on the implementation of the present resolution before the end of 1984.

H

The General Assembly,

Recalling Security Council resolution 471 (1980) of 5 June 1980, in which the Council condemned the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh and called for the immediate apprehension and prosecution of the perpetrators of those crimes,

Recalling also General Assembly resolutions 36/147 G of 16 December 1981 and 37/88 G of 10 December 1982,

Recalling once again the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{3/} in particular article 27, which states, *inter alia*:

"Protected persons are entitled, in all circumstances, to respect for their persons ... They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof ...",

Reaffirming the applicability of that Convention to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. *Expresses deep concern* that Israel, the occupying Power, has failed for three years to apprehend and prosecute the perpetrators of the assassination attempts;

2. *Demands once more* that Israel, the occupying Power, inform the Secretary-General of the results of the investigations relative to the assassination attempts;

3. *Requests* the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on the implementation of the present resolution.

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^{1/} See A/SPC/38/SR.40.

^{2/} See A/38/735.

^{3/} United Nations, Treaty Series, vol. 75, No. 973, p. 287.

^{4/} Resolution 217 A (III).

^{5/} See Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII.

^{6/} See A/38/409.