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### REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES

#### Report of the Secretary-General

(in pursuance of General Assembly resolution 43/58 D)

1. The present report is submitted in pursuance of General Assembly resolution 43/58 D of 6 December 1988, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Deplores the Israeli arbitrary detention or imprisonment of thousands of Palestinians;

"2. Calls upon Israel, the occupying Power, to release all Palestinians and Arabs arbitrarily detained and imprisoned as a result of their resistance against occupation in order to attain self-determination;

"3. Requests the Secretary-General to report to the General Assembly as soon as possible but not later than the beginning of its forty-fourth session on the implementation of the present resolution."

2. On 30 May 1989, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister for Foreign Affairs inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. By a note verbale dated 18 August 1989, the Acting Permanent Representative of Israel to the United Nations replied with regard to General Assembly resolution 43/58 D as follows:

"The reasons for Israel's rejection of resolution 43/58 D have been stated before, but in view of the resolution's unconcealed bias, it must be noted that detention and imprisonment in Judea, Samaria and Gaza are legal measures taken against terrorism and violence.

"It is Israel's duty under international law to maintain public order and security in these areas. This duty is carried out in conformity with international law and with the utmost regard for the preservation of the rule of law and the protection of human rights in keeping with the provisions of the Geneva Conventions. Due process of law is guaranteed also by allowing detainees and prisoners to petition Israel's High Court of Justice. Delegates of the International Committee of the Red Cross (ICRC) are authorized regularly to visit prisons and detention centres where they can interview in complete privacy any prisoner or detainee they choose."

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