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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 E)

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

"The General Assembly,

"...

"1. Strongly deplores the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council and resolutions of the General Assembly;

"2. Demands that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli authorities in deporting Palestinians, especially in 1983, and that it facilitate their immediate return;

"3. Calls upon Israel, the occupying Power, to cease forthwith the deportation of Palestinians and to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"4. 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 E as follows:

"The position of the Government of Israel on General Assembly resolution 43/58 E was set out fully in the statement by the Permanent Representative of Israel in the Security Council on 19 December 1980 (S/PV.2259), in letters by the Permanent Representative of Israel dated 23 January 1981 and 19 March 1982 addressed to the Secretary-General, ¹/ and in statements by Israel's representative in the Special Political Committee on 8 November 1985 (A/SPC/40/PV.27), on 13 November 1986 (A/SPC/41/SR.27) and on 22 November 1988 (A/SPC/43/SR.32).

"Israel's position on the applicability of the Geneva Convention of 12 August 1949 to the territories of Judea, Samaria and Gaza has been stated explicitly in our replies to General Assembly resolution 43/58 B.

"The continuing threat terrorist activity poses to Israel's security accounts for its measures to ensure the maintenance of public order as contemplated by international law. Expulsion orders against individuals have been issued in the most extreme cases and are subject first to the review of an advisory committee and afterwards to Israel's High Court of Justice. This court, in past cases and most recently on 14 April 1988, has upheld the legality of such expulsion orders on appeal."

Notes

1/ See A/36/85-S/14350, para. 6, and A/37/162, para. 4.
