



General Assembly

Distr.
GENERAL

A/43/558
25 August 1988

ORIGINAL: ENGLISH

Forty-third session
Item 77 of the provisional agenda*

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 42/160 E)

1. The present report is submitted in pursuance of General Assembly resolution 42/160 E of 8 December 1987, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Strongly condemns Israel, the occupying Power, for its persistent refusal to comply with the relevant resolutions of the Security Council and the General Assembly;

"2. Demands that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayor of Halhul, the Sharia Judge of Hebron and, in 1985, 1986 and 1987, other Palestinian leaders and that it facilitate the immediate return of the expelled Palestinians so that they can, inter alia, resume the functions for which they were elected and appointed;

"3. Calls upon Israel, the occupying Power, to cease forthwith the expulsion 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;

* A/43/150.

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

2. On 5 February 1988, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he requested, in view of his reporting responsibility under the resolution, that the Permanent Representative inform him of any steps which the Government of Israel had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. On 7 July 1988, the Acting Permanent Representative of Israel addressed to the Secretary-General the following reply:

"The position of the Government of Israel on General Assembly resolution 42/160 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) and on 13 November 1986 (A/SPC/41/SR.27).

"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 resolutions 42/160 B and 42/160 C.

"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.
