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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 B)

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

"The General Assembly,

"...

"1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

"2. Condemns once again the failure of Israel, the occupying Power, to acknowledge the applicability of the Convention to the territories it has occupied since 1967, including Jerusalem;

"3. Strongly demands that Israel acknowledge and comply with the provisions of the Convention in the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem!

"4. Urgently calls upon all States parties to the Convention to exert all efforts in order to ensure respect for and compliance with its provisions in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

"5. ~~Requests~~ the Secretary-General to report to the General Assembly at 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 B as follows:

"Israel is on record that, while reserving its position on the de jure applicability of the Fourth Geneva Convention, due to the question of the political status of the areas, Israel's official position is to conform with the provisions of the Convention and to implement them on a de facto basis in its administration in those areas. This is not an engagement in semantics but rather a fundamental principle which is the basis of the policy of the Government of Israel."