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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [67/119](#) on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories.

* [A/68/150](#).



1. The present report is submitted pursuant to General Assembly resolution [67/119](#), 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 Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

“2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

“3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

“4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly, including at its tenth emergency special session and including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

“5. *Requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution.”

2. On 1 July 2013, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps that it had taken, or envisaged taking, concerning the implementation of the relevant provisions of that resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 1 July 2013, sent to all permanent missions, the Secretary-General drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution [67/119](#). The Secretary-General requested, in view of his reporting obligations under that resolution, information regarding any steps that the High Contracting Parties had taken or envisaged taking concerning its implementation.

5. On 22 July 2013, the Permanent Mission of the Syrian Arab Republic replied to the note verbale, affirming the applicability of the Fourth Geneva Convention to the occupied Syrian Golan. The Syrian Arab Republic condemned Israel's illegal policies and practices, including its recent announcement that it would build 750 additional housing units for 1,500 new families moving to the occupied Syrian Golan, in contravention of General Assembly resolutions [67/25](#) and [67/122](#). The

Syrian Arab Republic noted that Israel's policies and practices were aimed at changing the physical character, demographic composition and institutional structure, as well as legal status, of the occupied Syrian Golan.

6. In its note verbale, the Syrian Arab Republic also condemned all Israeli practices to control the national resources of the occupied Syrian Golan, in violation of General Assembly resolution 67/229. In particular, the Government of the Syrian Arab Republic deplored the decision of the Ministry of Energy of Israel to award an energy exploration licence in the occupied Syrian Golan to Genie Energy Corporation, which is based in the United States of America. The Syrian Arab Republic also warned that Israel's exploitation and diversion of water from Lake Masada for the benefit of Israeli settlers was creating an economic and environmental disaster for Syrians living in that area.

7. The Syrian Arab Republic deplored the construction work by Israel that began early in July 2011 of a separation wall 8 m high and 4 km long near the ceasefire line in the occupied Syrian Golan and east of the town of Majdal Shams, built on the pretext that it would prevent Palestinians and Syrians from crossing the ceasefire line and entering the town. The Syrian Arab Republic also condemned Israel's confiscation of 915 dunams of land in the occupied Syrian Golan for the purposes of establishing vineyards and tourist visitor centres to market agricultural goods.

8. The Syrian Arab Republic also reaffirmed its rejection of the decision made by the Knesset on 22 October 2010 to mandate a referendum on any agreement that would lead to the withdrawal of Israel from the occupied Golan and East Jerusalem.

9. Finally, in its note verbale, the Syrian Arab Republic rejected the trials and the sentences handed down by Israel to Majed Shaer and his son Fidaa, for 5 1/2 and 3 years, respectively, in July 2010. In this connection, the Syrian Arab Republic condemned the inhumane prison conditions and the denial of family visits with respect to the aforementioned prisoners. The Syrian Arab Republic reiterated its request to the Secretary-General, the President of the Human Rights Council, the United Nations High Commissioner for Human Rights and the President of the International Committee of the Red Cross to put pressure on Israel to ensure that Syrian prisoners detained in Israeli jails were kept in humane conditions. The Syrian Arab Republic also reiterated its request that Israel put an end to arbitrary practices preventing the Syrian population in the occupied Golan from visiting their families and relatives in their motherland through the Quneitra crossing.

10. On 30 July 2013, the Permanent Mission of Cuba replied to the note verbale, expressing its support for resolution 67/119 and affirming the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. Cuba noted with serious concern that Israel had failed to cease its illegal practices and policies in relation to continued settlement activities and construction of the wall in the occupied territories and persisted in its serious violations of the Fourth Geneva Convention. Cuba also condemned Israel's brutal military campaign against the Palestinian people living in Gaza, including the excessive and indiscriminate use of force against Palestinian civilians and the destruction of property, infrastructure and agricultural land in violation of international law. Recalling the ministerial declaration adopted at the meeting of the Non-Aligned Movement held in Bali, Indonesia, in May 2011, Cuba called for the immediate release of all Palestinian prisoners held in Israeli prisons. In addition, Cuba expressed the view that Israel had

for years been able to act with impunity in the occupied Palestinian territory, owing in particular to the silence of the Security Council. Cuba reaffirmed its support for the Palestinian people in their legitimate struggle for dignity, justice and peace and their inalienable right to self-determination and sovereignty of an independent State of Palestine along pre-1967 borders, with East Jerusalem as its capital.
