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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 8

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE**

**Algeria, Bahrain*, China, Cuba, Egypt*, Equatorial Guinea*, Gabon*,
Indonesia, Jordan*, Kuwait*, Libyan Arab Jamahiriya, Malaysia,
Mauritania*, Morocco*, Niger, Oman*, Pakistan, Palestine*, Qatar,
Rwanda*, Saudi Arabia, Tunisia*, United Arab Emirates*, Viet Nam,
Yemen*: draft resolution**

**2001/... Question of the violation of human rights in the occupied
Arab territories, including Palestine**

The Commission on Human Rights,

*Guided by the purposes and principles of the Charter of the United Nations as well as by
the provisions of the Universal Declaration of Human Rights,*

*Guided also by the provisions of the International Covenant on Economic, Social and
Cultural Rights and the International Covenant on Civil and Political Rights,*

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional
commissions of the Economic and Social Council.

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Recalling the General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Welcoming the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114),

Welcoming the report (E/CN.4/2001/30), dated 21 March 2001, of the Special Rapporteur, Mr. Giorgio Giacomelli, and his report (E/CN.4/S-5/3) of 17 October 2000 submitted to the fifth special session of the Commission on Human Rights,

Welcoming also the report (E/CN.4/2001/121) of March 2001 of the human rights inquiry commission established pursuant to Commission resolution S-5/1 of 19 October 2000,

Expressing its deep concern at the failure of the Government of Israel to cooperate with the human rights inquiry commission and its failure to cooperate with other relevant rapporteurs,

Gravely concerned at the deterioration of the situation in the occupied Palestinian territories and by the gross violations of human rights and international humanitarian law, in particular extrajudicial killings, closures, collective punishments, settlements and arbitrary detentions,

Expressing its grave concern at the continuing violence and the resulting deaths and injuries, mostly among Palestinians,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967,

Convinced that the progress made on all major issues during the last negotiations should form the basis for future talks on permanent status, and that the basis of negotiations, and of a just and lasting peace, must be Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and other relevant United Nations resolutions and include the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject, including the latest, resolution 2000/6 of 17 April 2000, and resolution S-5/1 adopted at its fifth special session,

1. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territories;
2. *Condemns* the disproportionate and indiscriminate recourse to force, which cannot but aggravate the situation and increase an already high death toll, and urges the Government of Israel to make every effort to ensure that its security forces observe international standards regarding the use of force;
3. *Strongly deplores* the practice of so-called “eliminations”, or extrajudicial killings, of certain Palestinians carried out by the Israeli security forces, which are not only a violation of human rights norms and contrary to the rule of law, but are also damaging for the relationship between the parties and therefore obstacles to peace, and urges the Government of Israel to respect international law and cease this practice;
4. *Expresses its grave concern* at the closures of and within the Palestinian territories, which contribute together with other factors to the unrest and violence that have been prevailing in the zone for several months, calls upon the Government of Israel immediately to put an end to the practice of closures and reiterates that collective punishment is prohibited under international law;
5. *Expresses its concern* at the large number of persons, including children, who have been detained during recent months and at the continued detention of some detainees without any criminal charges having been brought against them;

6. *Expresses its grave concern* at the Israeli settlement activities in the occupied territories, including Jerusalem, such as the construction of new settlements and the expansion of existing ones, the expropriation of land, the biased administration of water resources, the construction of roads and house demolitions, all of which violate human rights and international humanitarian law, besides being major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the recommendation of the Commission regarding the Israeli settlements, and calls on the Israeli security forces to ensure the protection of the population in the occupied territories, including preventing, investigating and prosecuting acts of violence committed by Israeli settlers;

7. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian territory and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;

8. *Condemns* the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

9. *Also condemns* the use of torture against Palestinians during interrogation, as it constitutes a grave breach of the principles of international humanitarian law and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and calls upon the Government of Israel to put an end immediately to such practices;

10. *Welcomes* the efforts of the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to consult the High Contracting Parties to the Convention on the reconvening of the adjourned Conference of the High Contracting Parties on the basis of agreement by a large majority of the Parties and in accordance with the statement of 15 July 1999 issued upon the adjournment, with a view to fulfilling the joint obligation of the High Contracting Parties to ensure respect for the Fourth Geneva Convention and to improve the deteriorating humanitarian situation on the ground;

11. *Calls upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization;

12. *Also calls upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

13. *Calls upon* the relevant United Nations organs urgently to consider the best ways to provide the necessary international protection for the Palestinian people until the cessation of the Israeli occupation of its territories;

14. *Welcomes* the recommendations contained in the report of the High Commissioner and those contained in the report of the international commission of inquiry, urges the Government of Israel to implement them and requests the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of those recommendations and to submit reports thereon to the General Assembly at its fifty-sixth session and the Commission at its fifty-eight session;

15. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-eighth session;

16. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab Territories are living under the Israeli occupation;

17. *Decides* to consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.
