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**UNITED  
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**Economic and Social  
Council**

E/2002/23 (Part I)  
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6 September 2002

## **COMMISSION ON HUMAN RIGHTS**

### **REPORT ON THE FIFTY-EIGHTH SESSION**

(18 March - 26 April 2002)

#### **PART I\***

(for use by members of the Economic and Social Council during its 2002 substantive session)

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\*Parts I-II will subsequently be published in a single volume, as the *Official Records of the Economic and Social Council, 2002, Supplement No. 3*. The text of Part II hereafter is reproduced as adopted *ad referendum* by the Commission.

## **I. Draft resolutions and decisions recommended for adoption by the Economic and Social Council**

### **B. Draft decisions**

#### **1. Question of the violation of human rights in the occupied Arab territories, including Palestine**

The Economic and Social Council, taking note of [Commission on Human Rights resolution 2002/8](#) of 15 April 2002, approves the Commission's decision to request the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of the recommendations appearing in the report of the United Nations High Commissioner for Human Rights ([E/CN.4/2001/114](#)) as well as those appearing in the report of the Human Rights Inquiry Commission established pursuant to [Commission resolution S-5/1](#) of 19 October 2000 (E/CN.4/2001/121), and to submit reports thereon to the General Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-ninth session.

[See chap. II, sect. A, resolution 2002/8,  
and chap. VIII.]

#### **2. Human rights situation of Lebanese detainees in Israel**

The Economic and Social Council, taking note of [Commission on Human Rights resolution 2002/10](#) of 19 April 2002, endorses the decision of the Commission to request the Secretary-General:

- (a) To bring Commission resolution 2002/10 to the attention of the Government of Israel and to call upon it to comply with its provisions;
- (b) To report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 2002/10,  
and chap. IX.]

## **II. Resolutions and decisions adopted by the Commission at its fifty-eighth session**

### **A. Resolutions**

#### **2002/1. Situation of human rights in the occupied Palestinian territory**

*The Commission on Human Rights,*

*Recalling* Security Council resolutions [242 \(1967\)](#) of 22 November 1967, [338 \(1973\)](#) of 22 October 1973, and taking note of Council resolutions [1397 \(2002\)](#) of 12 March 2002, [1402 \(2002\)](#) of 30 March 2002 and [1403 \(2002\)](#) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, as well as for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

*Welcoming* the statement of the United Nations High Commissioner for Human Rights on the situation of human rights in the occupied Palestinian territory on 2 April 2002 at its 22nd meeting of the fifty-eighth session,

*Gravely concerned* at reports of gross, widespread and flagrant violations of human rights in the occupied Palestinian territory, in particular regarding the violation of the right to life, the arrest and detention of civilians, the restrictions on freedom of movement, the disruption of the delivery of humanitarian and medical assistance, the destruction of infrastructure, the restriction on the freedom of the media, the detention of human rights defenders, as well as the disproportionate and indiscriminate use of Israeli military force against the people of Palestine and its leadership,

*Noting* the specific proposals of the High Commissioner for a visiting mission to be dispatched immediately to the area and for the establishment of an international monitoring presence to deter violations of human rights in the occupied Palestinian territory,

1. *Condemns* the frightening increase in the loss of life, the invasion of Palestinian cities and villages, the arrest and detention of Palestinians, the restrictions on the movement of residents as well as personnel of the International Committee of the Red Cross and the Palestinian Red Crescent Society, medical personnel, human rights defenders and journalists, the refusal of humanitarian access to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the serious and systematic destruction of homes, installations and infrastructure in the territory as reported by the High Commissioner;

2. *Endorses* the proposals made by the High Commissioner in her statement;

3. *Requests* the High Commissioner to head a visiting mission that would travel immediately to the area and return expeditiously to submit its findings and recommendations to the current session of the Commission;

4. *Decides* to remain seized of this matter as a matter of high priority.

28th meeting

5 April 2002

[Adopted by a roll-call vote of 44 votes to 2,  
with 7 abstentions. See chap. IV.]

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### **2002/3. Situation in occupied Palestine**

*The Commission on Human Rights* ,

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* [General Assembly resolutions 181 A and B \(II\)](#) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions [242 \(1967\)](#) of 22 November 1967 and [338 \(1973\)](#) of 22 October 1973, and taking note of Council resolutions [1397 \(2002\)](#) of 12 March 2002 and [1402 \(2002\)](#) of 30 March 2002,

*Recalling further* its previous resolutions in this regard, the latest of which is its [resolution 2001/2](#) of 6 April 2001,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

*Welcoming and endorsing* the Arab peace initiative based on the proposals of Crown Prince Abdullah of Saudi Arabia,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to establish their sovereign and independent Palestinian State, and looks forward to the early fulfilment of this right;
2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission, prior to the convening of its fifty-ninth session, all information pertaining to the implementation of the present resolution by the Government of Israel;
3. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

*37th meeting  
12 April 2002*

[Adopted by a recorded vote of 52 votes to 1.  
See chap. V.]

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## **2002/6. Human rights in the occupied Syrian Golan**

*The Commission on Human Rights* ,

*Deeply concerned* at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

*Recalling* [Security Council resolution 497 \(1981\)](#) of 17 December 1981,

*Recalling also* all relevant General Assembly resolutions, including the latest, [resolution 56/32](#) of 3 December 2001, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

*Reaffirming once more* the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories ([A/56/491](#)) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

*Guided* by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

*Reaffirming* the importance of the peace process which started in Madrid on the basis of Security Council resolutions [242 \(1967\)](#) of 22 November 1967 and [338 \(1973\)](#) of 22 October 1973 and the principle of land for peace, and expressing its concern at the stoppage of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

*Reaffirming also* its previous relevant resolutions, the most recent being [resolution 2001/6](#) of 18 April 2001,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council decided, inter alia, that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;
2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;
3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;
4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;
5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;
6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and

international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission at its fifty-ninth session;

7. *Decides* to include in the provisional agenda of its fifty-ninth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

*37th meeting  
12 April 2002*

[Adopted by a recorded vote of 34 votes to 1,  
with 18 abstentions. See chap. VIII.]

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### **2002/7. Israeli settlements in the occupied Arab territories**

*The Commission on Human Rights,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Mindful* that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

*Recalling* its previous resolutions, most recently [resolution 2001/8](#) of 18 April 2001, and taking note of [General Assembly resolution 56/61](#) of 10 December 2001, in which, inter alia, the illegality of the Israeli settlements in the occupied territories was reaffirmed,

*Expressing its concern* regarding the security threats related to the presence of the settlements in the occupied territories, as expressed in the [report of the Sharm el-Sheikh Fact-Finding Committee](#) (the Mitchell Report),

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 ([E/CN.4/2002/32](#)) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern*:

(a) At the dramatic escalation of the Israeli-Palestinian conflict, which has led to a spiral of anger, hatred and further violence, and to increased suffering for both Israelis and Palestinians;

(b) At the continuing Israeli settlement activities, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, including agricultural land, the demolition of houses, the confiscation or destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(c) At and strongly condemns all acts of violence, including all acts of terror, provocation, incitement and destruction, in particular the indiscriminate terrorist attacks over the past weeks, killing and injuring civilians;

(d) At the closures of and within the Palestinian territories and the restriction of the freedom of movement of the Palestinians, which contribute, together with other factors, to the intolerable level of violence that has been prevailing in the zone for more than a year;

3. *Urges* the Government of Israel:

(a) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2001/8;

(b) To reverse its settlement policy in the occupied territories, including East Jerusalem, and to stop the expansion of existing settlements, including "natural growth" and related activities;

(c) To prevent any new installation of settlers in the occupied territories;

(d) To implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan ([E/CN.4/2001/114](#));

(e) To take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians in the occupied territories;

4. *Urges* the parties to implement immediately Security Council resolutions [1397 \(2002\)](#) of 12 March 2002 and [1402 \(2002\)](#) of 30 March 2002, and calls for the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the Palestinian-Israeli security work plan (Tenet ceasefire plan) and the Mitchell Report recommendations with the aim of resuming negotiations on a political settlement based on Council resolutions [242 \(1967\)](#) of 22 November 1967, [338 \(1973\)](#) of 22 October 1973, [1397 \(2002\)](#), [1402 \(2002\)](#), [1403 \(2002\)](#) of 4 April 2002 and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, including the inadmissibility of acquisition of territory by war, the end to the occupation of 1967 and the principle of land for peace, which will allow two States, Israel and Palestine, to live in peace and security and play their full part in the region;

5. *Decides* to continue its consideration of this question at its fifty-ninth session.

38th meeting  
12 April 2002

[Adopted by a recorded vote of 52 votes to 1.  
See chap. VIII.]

**2002/8. 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,

*Recalling* Security Council resolutions [242 \(1967\)](#) of 22 November 1967 and [338 \(1973\)](#) of 22 October 1973, and taking note of Council resolutions [1397 \(2002\)](#) of 12 March 2002, [1402 \(2002\)](#) of 30 March 2002 and [1403 \(2002\)](#) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, as well as for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

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

*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 of 1977 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* General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

*Recalling particularly* [General Assembly resolution 37/43](#) of 3 December 1982 reaffirming the legitimacy of the struggle of peoples against foreign occupation,

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

*Recalling also* the report of the United Nations High Commissioner for Human Rights to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan ([E/CN.4/2001/114](#)),

*Welcoming* the report of the Special Rapporteur, Mr. John Dugard ([E/CN.4/2002/32](#)),,

*Expressing its deep concern* at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission established pursuant to [Commission resolution S-5/1](#) of 19 October 2000 and its failure to cooperate with other relevant rapporteurs, particularly Mr. John Dugard, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

*Gravely concerned* at the continued deterioration of the situation in the occupied Palestinian territory and at the gross violations of human rights and international humanitarian law, in particular, acts of extrajudicial killing, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, the besieging of Palestinian towns and villages, the shelling of Palestinian residential districts from warplanes, tanks and Israeli battleships, the conducting of incursions into towns and camps and the killing of men, women and children there as was the case lately in the camps of Jenin, Balata, Khan Younis, Rafah, Ramallah, Gaza, Nablus, Al-Birah, Al-Amari, Jabalia, Bethlehem and Dheisheh,

*Expressing its grave concern* at the continued violence and the resulting deaths and injuries, mostly among Palestinians, the toll of casualties having so far increased to over 1,200 killed and over 25,000 wounded since 28 September 2000,

*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 basis of negotiations and of achieving a just and lasting peace should be Security Council resolutions 242 (1967), 338 (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,

1. *Affirms* the legitimate right of the Palestinian people to resist the Israeli occupation in order to free its land and be able to exercise its right of self-determination and that, by so doing, the Palestinian people is fulfilling its mission, one of the goals and purposes of the United Nations;
2. *Strongly condemns* the violations by the Israeli occupation authorities of human rights in the occupied Palestinian territory, including East Jerusalem;

3. *Also strongly condemns* the Israeli occupation of the Palestinian territory as it constitutes an aggression and an offence against humanity and a flagrant violation of human rights;

4. *Further strongly condemns* the war launched by the Israeli army against Palestinian towns and camps, which has resulted so far in the death of hundreds of Palestinian civilians, including women and children;

5. *Strongly condemns* the practice of "liquidation" or "extrajudicial executions" ; carried out by the Israeli army against Palestinians, a practice which not only constitutes a violation of human rights norms, a flagrant violation of article 3 of the Universal Declaration of Human Rights and of the rule of law, but which is also damaging for the relationship between the parties and therefore constitutes an obstacle to peace, and urges the Government of Israel to respect international law and to cease this practice immediately;

6. *Also strongly condemns* the establishment of Israeli settlements and other related activities in the occupied Palestinian territory, including East Jerusalem, such as the construction of new settlements and the expansion of already existing ones, the expropriation of lands, the biased administration of water resources and the construction of bypass roads, all of which are not only violations of human rights and of international humanitarian law, especially article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) and Protocol I Additional to the Geneva Conventions which categorized such violations as war crimes, but are also major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the resolutions of the Commission on Human Rights relative to the Israeli settlements, and affirms that the dismantling of the Israeli settlements constitutes an essential factor for achieving a just, comprehensive and lasting peace in the region;

7. *Condemns* the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of East 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;

8. *Also condemns* the use of torture against Palestinians during interrogation, as it constitutes a grave violation of the principles of international humanitarian law, and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is also a violation of article 5 of the Universal Declaration of Human Rights, and calls upon the Government of Israel to put an end immediately to such practices and to bring the perpetrators of these violations to trial;

9. *Strongly condemns* the setting on fire of the Church of the Nativity and the Omar Ibn Al-Khattab mosque in Bethlehem and the shelling with artillery fire of the Al-Baik and Al-Kabir mosques in Nablus;

10. *Also strongly condemns* the offensives of the Israeli army of occupation against hospitals and sick persons and the use of Palestinian citizens as human shields during Israeli incursions into Palestinian areas;

11. *Further strongly condemns* opening of fire by the Israeli army of occupation on ambulances and paramedical personnel and its preventing ambulances and cars of the International Committee of the Red

Cross from reaching the wounded and the dead in order to transport them to hospital, thus leaving the wounded bleeding to death in the streets;

12. *Strongly condemns* the refusal by the Israeli army of occupation to allow the burial of dead Palestinians, thus obliging their families to bury the bodies of their loved ones in the available space around their homes and in hospitals;

13. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory, and particularly at acts of mass killing perpetrated by the Israeli occupying authorities against the Palestinian people;

14. *Expresses its deep concern* at the military siege imposed on the Palestinian territory and the isolation of Palestinian towns and villages from each other through the establishment of military roadblocks that are used as a trap to kill Palestinians, which contribute, together with other factors, to the acts of violence that have been prevailing in the region for over a year and a half, calls upon the Government of Israel to immediately put an end to this practice and immediately lift its military siege of Palestinian towns and villages, and reaffirms that these collective punishments are prohibited under international law and constitute a grave violation of the provisions of the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions;

15. *Expresses its grave concern* at the restriction of movement imposed on Chairman Yasser Arafat by the Israeli occupying authorities, in violation of articles 9 and 13 of the Universal Declaration of Human Rights;

16. *Expresses its deep concern* at the massive arrests conducted by the Israeli occupying authorities against a large number of Palestinians and also at the continued detention of thousands of Palestinians without any criminal charges having been brought against them, in violation of article 9 of the Universal Declaration of Human Rights and the provisions of the Fourth Geneva Convention in this respect;

17. *Affirms anew* that the demolition by the Israeli occupying forces of over 1,200 houses owned by Palestinian families is a grave violation of articles 33 and 53 of the Fourth Geneva Convention and that levelling farmlands, uprooting trees and destroying the infrastructure of Palestinian society constitute grave violations of the provisions of international humanitarian law and a form of collective punishment against the Palestinian people;

18. *Reaffirms* that the Fourth Geneva Convention is applicable to the Palestinian territory occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical, demographic and institutional status of the city of East Jerusalem from its status prior to the June 1967 war to be illegal and void;

19. *Welcomes* the declaration adopted by the Conference of the High Contracting Parties to the Fourth Geneva Convention, which was held in Geneva on 5 December 2001, and calls upon the High Contracting Parties to follow up on the implementation of the declaration;

20. *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 principles of international law and international humanitarian law, the Universal Declaration of Human Rights, its international commitments and the agreements it signed with the Palestine Liberation Organization;

21. *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;

22. *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 territory;

23. *Welcomes anew* the recommendations contained in the report of the United Nations High Commissioner for Human Rights and those contained in the report of the Human Rights Inquiry Commission ([E/CN.4/2001/121](#)), urges the Government of Israel to implement them and requests the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of these recommendations and to submit reports thereon to the General Assembly at its fifty-seventh session and to the Commission on human rights at its fifty-ninth session;

24. *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-ninth session;

25. *Also requests* the Secretary-General to provide the Commission 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;

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

*39th meeting*

*15 April 2002*

[Adopted by a recorded vote of 40 votes to 5,  
with 7 abstentions. See chap. VIII.]

## 2002/10. Human rights situation of Lebanese detainees in Israel

*The Commission on Human Rights,*

*Recalling* the report of the Secretary-General on the implementation of [Security Council resolutions 425 \(1978\)](#) and [426 \(1978\)](#) of 19 March 1978 ([S/2000/460](#)), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Council ([S/PRST/2000/18](#)),

*Taking note* of [Security Council resolution 1391 \(2002\)](#) of 28 January 2002, in particular of paragraph 11, in which the Council stressed the necessity to provide the Government of Lebanon and the United Nations Interim Force in Lebanon with any additional maps and records on the location of mines,

*Gravely concerned* at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Convention of 1977,

*Censuring* breaches by Israel of the sovereignty and territorial integrity of Lebanon,

*Hoping* that the efforts to implement the Security Council resolutions on the occupied Arab territories, including [resolutions 242 \(1967\)](#) of 22 November 1967 and [338 \(1973\)](#) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

*Gravely concerned* about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths and injuries to civilians, including women and children,

*Deploring* the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

*Condemning* the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians who were abducted and detained in Lebanon and subsequently transferred to prisons in Israel,

*Expressing its indignation* at the ruling handed down on 4 March 1998 by the Supreme Court of Israel permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and the recent renewal of their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

*Reaffirming* its [resolution 2001/10](#) of 18 April 2001, and expressing its deep regret at the failure of the Government of Israel to implement that resolution fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions for the protection of the victims of war and the Additional Protocols thereto;
2. *Also calls upon* the Government of Israel to refrain from holding the detained Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes and to release them immediately, in compliance with all the Geneva Conventions and other provisions of international law;
3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit the detainees regularly, as well as to allowing other international humanitarian organizations to do so and to verify their sanitary and humanitarian conditions and, in particular, the circumstances of their detention;
4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps of the landmine fields laid throughout the civilian villages, fields and farms, causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;
5. *Requests* the Secretary-General:
  - (a) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions;
  - (b) To report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the results of his efforts in this regard;
6. *Decides* to continue its consideration of the situation of the Lebanese detainees at its fifty-ninth session.

*47th meeting  
19 April 2002*

[Adopted by a recorded vote of 34 votes to 2,  
with 17 abstentions. See chap. IX.]

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## **2002/90. The situation of human rights in the occupied Palestinian territory**

*The Commission on Human Rights,*

*Guided by* the purposes and principles of the Charter of the United Nations,

*Recalling* its [resolution 2002/1](#) of 5 April 2002 and its [decision 2002/103](#) of 16 April 2002 calling for a visiting mission to travel immediately to the area and report to the Commission thereon,

*Noting with appreciation* the efforts of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestinian Liberation Organization and the Palestinian Authority, the United Nations Relief and Works Agency for Palestine Refugees in the

Near East, the International Committee of the Red Cross and other organizations to alleviate the suffering of the Palestinian people,

*Noting also with appreciation* the efforts made by the United Nations High Commissioner for Human Rights and the two other members of her team to undertake the visit to the occupied Palestinian territory as mandated by the Commission,

1. *Deplores* the denial by Israel of the visit of the team headed by the High Commissioner, in defiance of Commission resolution 2002/1 and decision 2002/103;
2. *Takes note* of the report submitted by the High Commissioner ([E/CN.4/2002/184](#)) providing details of reports of the gross, widespread and flagrant violations of the human rights of the Palestinian people and the utter disregard for international humanitarian law by the Israeli forces in their operations in the occupied Palestinian territory ;
3. *Expresses deep concern* at the grave humanitarian situation of the Palestinian civilian population following the invasion by Israel of Palestinian cities and camps, especially Jenin Camp, and condemns the continuing gross, widespread and flagrant violations of human rights of the Palestinian people by the occupying Power, Israel;
4. *Endorses*, in this context, the proposal by the High Commissioner for a comprehensive investigation into the breaches of human rights and international humanitarian law;
5. *Calls upon* Israel to ensure full respect for human rights and international humanitarian law, especially the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
6. *Calls upon* the international community to provide urgent and adequate humanitarian assistance for the reconstruction of the areas in the occupied Palestinian territory destroyed by Israeli military operations;
7. *Decides* to continue its consideration of this question in the light of further developments in the occupied Palestinian territory.

*58th meeting*

*26 April 2002*

[Adopted by a recorded vote of 33 votes to 1,  
with 19 abstentions. See chap. IV.]

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### **2002/103. Situation in the occupied Palestinian territory**

At its 41st meeting on 16 April 2002, the Commission on Human Rights decided, by a recorded vote of 41 votes to 2, with 9 abstentions:

(a) To express its deep dismay that its resolution 2002/1 of 5 April 2002 had not been implemented due to the absence of a positive response from the occupying Power, even though the human rights situation in the occupied Palestinian territory had continued to deteriorate;

(b) To call for the immediate implementation of its resolution 2002/1;

(c) To urge the United Nations High Commissioner for Human Rights to report urgently to the Commission on the deteriorating human rights situation in the occupied Palestinian territory on the basis of reports from all concerned organizations present in the occupied territory.

[See chap. IV.]

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