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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 provides details of the efforts to implement General Assembly resolution [73/97](#).

* [A/74/150](#).



1. The present report is submitted pursuant to General Assembly resolution [73/97](#), adopted on 7 December 2018, 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. Notes the reconvening by Switzerland, the depositary State, of the Conference of High Contracting Parties to the Fourth Geneva Convention on 17 December 2014, and calls for efforts to uphold the obligations reaffirmed in the declarations adopted on 5 December 2001 and 17 December 2014;

“5. Welcomes initiatives by States parties, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

“6. 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;

“7. Requests the Secretary-General to report to the General Assembly at its seventy-fourth session on the implementation of the present resolution.”

2. On 6 May 2019, the Secretary-General addressed a note verbale to the Government of Israel, requesting, in view of his reporting responsibilities under General Assembly resolution [73/97](#), information on any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of that resolution. No reply had been received at the time of writing.

3. In a note verbale dated 6 May 2019, sent to the permanent missions of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, including the State of Palestine, the Secretary-General drew attention to paragraph 3 of resolution [73/97](#) and requested information regarding any steps that the high contracting parties had taken or envisaged taking concerning the implementation of that resolution. At the time of the preparation of the report, the Permanent Missions of Ireland, Qatar and the Syrian Arab Republic had responded to the note verbale.

4. In its note verbale dated 6 June 2019, the Permanent Mission of Ireland stated that Ireland did not recognize any transfer of sovereignty or annexation of Palestinian territory occupied by Israel in 1967, pending any agreement by the parties to the conflict. Ireland noted that it had consistently affirmed that the establishment of Israeli settlements in the Occupied Palestinian Territory was in breach of international law.

5. Ireland highlighted that it had launched a national plan on business and human rights (2017–2020) with a view to implementing the United Nations Guiding Principles on Business and Human Rights and promoting responsible business conduct at home and overseas.
6. In its note verbale dated 23 May 2019, the Permanent Mission of Qatar enclosed a copy of the decisions adopted at the thirtieth ordinary session of the Council of the League of Arab States at the summit level, held in Tunis on 31 March 2019 and addressing the question of Palestine.
7. In its note verbale dated 24 May 2019, the Permanent Mission of the Syrian Arab Republic reaffirmed its support for resolution [73/97](#) and reiterated its call to all Member States to implement the resolution. The Syrian Arab Republic further noted that the failure of Israel failure to implement the resolution was contrary to the will of the international community as expressed in the resolution. Noting that the occupation by Israel of the Golan Heights had continued for 52 years, it was stated that Israel continued to ignore resolutions calling for the end of the occupation.
8. The Syrian Arab Republic stressed that Israel should uphold and respect the Fourth Geneva Convention, and emphasized the need to implement the relevant resolutions of the Security Council, in particular resolution [497 \(1981\)](#).
9. The Syrian Arab Republic categorically rejected the decision of Israel to hold elections for so-called local councils in the occupied Syrian Golan in October 2018. It condemned pressure applied by Israeli authorities to Syrian residents of the occupied Syrian Golan to register their land with the Government of Israel.
10. The Syrian Arab Republic emphasized its rejection of Israeli settlements and related policies in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and noted it rejected attempts by any other party to accept the settlements.
11. The Syrian Arab Republic observed that Israel continued to build a wall around the city of Jerusalem as part of a systematic policy to deny the Palestinian people their right to self-determination despite the advisory opinion of the International Court of Justice affirming that countries were obliged not to recognize the legal status resulting from the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem. The Syrian Arab Republic also asserted a need to address the steps of Israel to “Judaize” Jerusalem.
12. The Syrian Arab Republic reaffirmed that the continued violation by Israel of the inalienable right of the Palestinian people to self-determination made it the responsibility of the international community to put pressure on Israel to end its occupation of the Palestinian territory and other Arab territories, including the Syrian Golan, occupied since 1967.
13. The Syrian Arab Republic called on the international community to take a decisive and immediate stance to stop violations committed by Israel against the Palestinian people, including destruction of property, confiscation of land, deliberate killings and violations of the sanctity of Al-Aqsa Mosque and other Christian and Islamic holy sites.
14. The Syrian Arab Republic called on the international community to oblige Israel to implement relevant United Nations resolutions that stipulate the withdrawal of Israel from the Arab territories occupied since 1967, and the release of all Palestinian, Syrian and Arab prisoners from Israeli jails.