



# General Assembly

Distr.: Limited  
14 November 2018

Original: English

---

**Seventy-third session  
Special Political and Decolonization Committee  
(Fourth Committee)**

Agenda item 55

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

**Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Iraq, Jordan,  
Kuwait, Lebanon, Malaysia, Mauritania, Nicaragua, Qatar, Saudi Arabia,  
Senegal, South Africa, Venezuela (Bolivarian Republic of), Yemen and State of  
Palestine: draft resolution**

**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**

*The General Assembly,*

*Recalling* its relevant resolutions, including resolution [72/85](#) of 7 December 2017,

*Bearing in mind* the relevant resolutions of the Security Council,

*Recalling* the Regulations annexed to the Hague Convention IV of 1907, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> and relevant provisions of customary law, including those codified in Additional Protocol I<sup>2</sup> to the four Geneva Conventions,<sup>3</sup>

*Having considered* 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<sup>4</sup> and the relevant reports of the Secretary-General,<sup>5</sup>

*Considering* that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

---

<sup>1</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>2</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>3</sup> *Ibid.*, vol. 75, Nos. 970–973.

<sup>4</sup> [A/73/499](#).

<sup>5</sup> [A/73/357](#), [A/73/364](#), [A/73/410](#) and [A/73/420](#).



*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,<sup>6</sup> and also recalling General Assembly resolution [ES-10/15](#) of 20 July 2004,

*Noting in particular* the Court's reply, including that the Fourth Geneva Convention<sup>1</sup> is applicable in the Occupied Palestinian Territory, including East Jerusalem, and that Israel is in breach of several of the provisions of the Convention,

*Recalling* the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, held on 15 July 1999, as well as the declarations adopted by the reconvened Conference on 5 December 2001 and on 17 December 2014,<sup>7</sup> and the urgent need for the parties to follow up the implementation of those declarations,

*Welcoming and encouraging* the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention, as well as the continuing efforts of the depositary State of the Geneva Conventions in this regard,

*Noting* the accession by Palestine on 1 April 2014 to the Geneva Conventions and Additional Protocol I,

*Stressing* that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> 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<sup>3</sup> and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004,<sup>6</sup> 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;<sup>7</sup>

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.

---

<sup>6</sup> See [A/ES-10/273](#) and [A/ES-10/273/Corr.1](#).

<sup>7</sup> [A/69/711-S/2015/1](#), annex.