

Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

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

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further its relevant resolutions, including resolution S-21/1, adopted on 23 July 2014, and resolution S-9/1, adopted on 12 January 2009, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,

Expressing its appreciation to the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, led by Justice Mary McGowan Davis, for its comprehensive report,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians, reaffirming the obligation to ensure the protection of civilians in armed conflict, and appalled by the massive civilian death toll that resulted from the conflict in and around the Gaza Strip in July and August 2014, including the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes and crimes against humanity, committed in the context of the military operations that were launched by Israel in the Occupied Palestinian Territory on 27 December 2008 and on 13 June 2014, respectively, including the findings of the Fact-Finding Mission, of the Commission of Inquiry and of the Boards of Inquiry convened by the Secretary-General,

Condemning all violations of human rights and all violations of international humanitarian law, including actions that may amount to international crimes, and appalled that these have resulted in widespread and unprecedented levels of destruction, death and human suffering,

Reaffirming the overriding need to end Israel's prolonged military occupation of the Occupied Palestinian Territory, including East Jerusalem, and affirming that this is necessary for upholding human rights and international law and would contribute tremendously to the prevention of crimes,

Stressing the need for Israel, the occupying Power, to lift immediately its blockade on the Gaza Strip, which has now entered its eighth year and led to disastrous humanitarian and environmental consequences,

Strongly condemning the non-cooperation by Israel with a large number of United Nations mechanisms, including the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, and the refusal to grant access to, and cooperate with, international human rights bodies and civil society organisations seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Deeply concerned at the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009, which follows a pattern of persistent lack of implementation of recommendations made by previous United Nations commissions of inquiry, fact-finding missions, treaty bodies, special procedures and by other United Nations bodies, including in particular the Secretary-General and the Office of the High Commissioner for Human Rights,

Alarmed that the prevailing long-standing and systemic impunity for international law violations has created a protection crisis in the Occupied Palestinian Territory and allowed for the recurrence of grave violations without consequence, and *stressing* the need to ensure accountability, including the right to an effective remedy for victims, for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations, protect civilians, and promote peace,

Regretting the repeated failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law, depriving Palestinian victims of any effective or prompt remedy, and its systematic failure to investigate the role of senior officials in alleged violations of international humanitarian law and international human rights law,

Stressing that the strengthening of internal Palestinian mechanisms of accountability requires an end to Israel's policy of separation between the Gaza Strip and the West Bank,

Emphasizing universal jurisdiction as an avenue for States to investigate violations of the grave breach provisions of the Geneva Conventions of 1949, prevent impunity, uphold their obligations to ensure respect, and promote international accountability,

Noting the accession by Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Endorses* the report of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict;

2. *Demands* that all duty bearers and United Nations bodies ensure the full and immediate implementation of the recommendations contained in the report of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, in accordance with their respective mandates;

3. *Notes* the importance of the work of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict and the United Nations Fact-Finding Mission on the Gaza Conflict of 2009 and the information collected regarding grave violations in support of future accountability efforts, in particular, information on alleged

perpetrators violating international law, including the assessment that war crimes and crimes against humanity may have been committed;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account, through appropriate fair and independent domestic or international criminal justice mechanisms, and to ensure the right of all victims to an effective remedy, including full reparations, and *stresses* the need to pursue practical steps towards these goals;

5. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation opened;

6. *Calls upon* all States to promote compliance with human rights obligations, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches, and the responsibilities of the High Contracting Parties;

7. *Calls upon* all States and other relevant stakeholders to accelerate efforts to develop legal and policy standards that would limit the use of explosive weapons with wide-area effects in populated areas with a view to strengthening the protection of civilians during hostilities;

8. *Calls also upon* all States to adopt measures to ensure that their public authorities and private entities do not become involved in internationally unlawful conduct by Israel;

9. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Independent International Fact-Finding Mission on the Gaza Conflict and of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict in their reports has been or is being taken appropriately at the domestic or international levels to ensure justice for victims and accountability for perpetrators, including the right to an effective remedy for victims;

10. *Requests* the High Commissioner to conduct a comprehensive review of the implementation of the recommendations contained in the report of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, as well as of the other recommendations addressed to the parties by all relevant Human Rights Council mechanisms, including previous commissions of inquiry and fact-finding missions, special procedures, the universal periodic review, as well as by United Nations treaty bodies and other United Nations bodies, in particular the Secretary-General and the Office of the High Commissioner for Human Rights, and to include recommendations on mechanisms that could be established to ensure their implementation, and to present a report to the Council at its thirty-second session;

11. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its thirty-first session;

12. *Decides* to remain seized of the matter.