



Human Rights Council
Twenty-fifth session
Agenda item 7
**Human rights situation in Palestine and other
occupied Arab territories**

**25/...Human rights situation in Occupied Palestinian Territory, including East
Jerusalem**

The Human Rights Council,

PP1 *Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, **and the International Convention on the Elimination of All Forms of Racial Discrimination**, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem (*A/HRC/RES/22/28 Merging pp1+pp2 updated*),

PP2 *Recalling further* relevant resolutions of the Human Rights Council (*A/HRC/22/28 pp3*),

PP3 *Taking note* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council, (*A/HRC/RES/22/28 pp4*)

PP4 *Aware* of the responsibility of the international community to promote human rights and ensure respect for international law, (*A/HRC/RES/22/28 pp5*)

PP5 *Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006, (*A/HRC/RES/22/28 pp6*)

PP6 *Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law, (*A/HRC/RES/22/28 pp7*)

PP7 *Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, **and deeply concerned about the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall, and other measures aimed at the de facto annexation of Palestinian land** (*HC report A/HRC/25/39 para. 8 adapted*),

PP8 *Emphasizing* the 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 reaffirming** the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties, *(A/HRC/RES/22/28 merging pp9 and pp10)*

PP9 *Mindful of the failure by Israel, the occupying Power, to live up to its obligations as set forth in international law and as reaffirmed in all relevant United Nations resolutions and the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and stressing the need in this regard for urgent action to be taken by the United Nations and the international community according to the relevant provisions of international law, (Falk Report A/HRC/25/67 para 3, modified)*

PP10 *Reaffirming* that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens, *(A/HRC/RES/22/28 pp11)*

PP11 *Stressing* the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, *(A/HRC/RES/22/28 pp12)*

PP12 *Expressing grave concern* about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949;*(A/HRC/RES/22/28 pp13) the policies and practices of racial discrimination and segregation that disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem (CERD(art 3) CERD/C/ISR/CO/14-16) (PARA 24); the discriminatory allocation of water resources between Israeli settlers and the Palestinian population of the Occupied Palestinian Territory (CESR report E/C.12/1/Add.27 adapted para 24); the violation of the basic right to adequate housing; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, (A/HRC/RES/22/28 pp 13 updated)*

PP13 *Gravely concerned in particular* about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged **continuous** closures and severe economic and movement restrictions that in effect amount to a blockade, **in violation of international law**, and the military operations between December 2008 and January 2009 **and in November 2012**, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel, *(A/HRC/RES/22/28 pp15 updated)*

PP14 *Expressing deep concern* about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, *(A/HRC/RES/22/28 pp16)*

PP15 *Stressing also the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns, (A/HRC/RES/22/28 pp13 updated)*

PP16 *Expressing deep concern also at the Israeli policy of closures and the imposition of severe restrictions, checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are part of a comprehensive discriminatory system only affecting the Palestinian population, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,(A/HRC/RES/22/28 pp17 updated)*

PP17 *Deploring the hermetic character of the separation of the Palestinian population and the Israeli settlers in the Occupied Palestinian Territory, living on the same territory but not enjoying either equal use of roads and infrastructure or equal access to basic services and water resources, and noting that this policy of segregation is concretised by the implementation of a complex combination of movement restrictions consisting of the wall, roadblocks, the use of separate roads and a permit regime only affecting the Palestinian population, (CERD/C/ISR/CO/14-16, concluding observations para. 24)*

PP18 *Emphasizing that the destruction of property and permanent displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, from their initial locations constitute violations of the prohibitions on destruction of property and forcible transfer, respectively, under Articles 53 and 49 of the Fourth Geneva Convention, (HC report A/HRC/25/40, Para 21 adapted)*

PP19 *Expressing deep concern further that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture, (A/HRC/RES/22/28 pp18)*

PP20 *Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories, (A/HRC/RES/22/28 pp19)*

PP21 *Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron, (A/HRC/RES/22/28 pp20)*

PP22 *Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Government, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres, (A/HRC/RES/22/28 pp21)*

PP23 *Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants, (*A/HRC/RES/22/28 pp22*)

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity; (*A/HRC/RES/22/28 op1*)

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention; (*A/HRC/RES/22/28 op4*)

3. ***Calls upon Israel to withdraw from the Palestinian Territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognised right to self-determination; (GA resolution A/RES/68/15 op21(a) adapted)***

4. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians, **the forced displacement of civilians, the destruction and confiscation of civilian property and the confiscation of land, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions (GA resolution A/RES/68/83 op2 updated);**

5. *Demands* that Israel, the occupying Power, cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures including import and export restrictions, directly impacting livelihoods, economic sustainability and development throughout Gaza, and, in this regard, **calls upon Israel to remedy the ongoing punitive measures against the civilian population of the Gaza Strip and fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip; (A/HRC/RES/22/28 Op10 updated with language from A/HRC/25/40 paras. 24, 28, and 75)**

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world; (*A/HRC/RES/22/28 op9*)

7. ***Expresses grave concern about Israel's confiscation and damage of fishing nets in the Gaza Strip for which there is no discernible security justification; (HC report A/HRC/25/40 para 36)***

8. ***Condemns* the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among children, massive damage and destruction to homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities, and agricultural lands, mosques and private media institutions, and internal displacement of civilians, (A/HRC/RES/22/28 Op6 modified)**

9. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury; *(A/HRC/RES/22/28 op 7)*

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including the torching of places of worship and the destruction of olive trees and crops by Israeli settlers, as well as killings and injuries resulting from the excessive use of force by Israeli forces against Palestinian civilians in the context of peaceful protests in the West Bank; *(A/HRC/RES/22/28 op6 modified)*

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks by the Israeli military and settlers on school children and educational facilities; *(CESR E/C.12/ISR/CO/3 para. 35 modified)*

12. *Calls upon* Israel, the occupying Power, to put an end to its campaign of harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory including by cooperating with United Nations human rights bodies; *(inspired from OHCHR press release from 13 August 2013)*

13. *Expresses deep concern* over the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and ***urges* Israel to end its continued extensive use of administrative detention, which is discriminatory and constitutes arbitrary detention under international human rights law *(CERD/C/ISR/CO/14-16 para 27)*, and *calls* for a full implementation of the agreement reached in May 2012, for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law; *(A/HRC/RES/22/28 op3 updated)***

14. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and fully respect its obligations under Article 76 of the Fourth Geneva Convention, *(A/HRC/22/63 FFM report recommendation no. 115)*

15. *Urges* Israel to refrain from holding criminal proceedings against children in military courts, and ensure that any trials are conducted in a prompt and impartial manner, in accordance with fair trial standards, *(CCPR/C/ISR/CO/3 para. 22(b))*

16. *Also demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement; *(A/HRC/RES/22/28 op5)*

17. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people; *(A/HRC/RES/22/28 op8)*

18. ***Calls upon*** Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, and facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and ensure adequate housing and legal security of tenure; *(A/HRC/25/40 para. 78)*

19. ***Urges*** Israel to end its policy of discriminatory water resource allocation in the Occupied Palestinian Territory, which results in water shortages disproportionately affecting the Palestinian population of the West Bank, and take urgent steps to facilitate the restoration of the water infrastructure of the West Bank including in the Jordan Valley, affected by the destruction of the local civilians' wells, roof water tanks, and other water and irrigation facilities under military and settler operations since 1967 *(CCPR/C/ISR/CO/3 para 18 adapted; E/C.12/ISR/CO/3 para. 29 adapted);*

20. ***Deplores*** the illegal Israeli actions in East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the Territory as a whole; *(GA resolution A/RES/68/15 pp 16)*

21. ***Expresses grave concern*** about:

(a) The legal and policy restrictions imposed by Israel which impede access of Christian and Muslim worshippers to holy sites in Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include comprehensive guarantees for equality and non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites; *(A/HRC/10/8/Add.2 para 76 modified)*

(b) The escalating acts of Israeli aggression, provocation and incitement in Occupied East Jerusalem and particularly at Al-Haram Al-Sharif, which houses the holy Al-Aqsa Mosque, including attempts at illegally and forcibly asserting Israeli control over the holy site, which threatens to undermine the extremely fragile situation on the ground, plunge the entire region into conflict and instability, and sabotage the peace negotiations currently underway; *(new language)*

22. ***Expresses grave concern also*** about the Knesset's "Citizenship and Entry into Israel" Law, which refuses to grant citizenship or permanent residency to Palestinians from the West Bank or Gaza Strip or from other Arab countries who marry Israeli citizens; *(new language)*

23. ***Urges*** Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip; *(A/HRC/RES/22/28 op11)*

24. ***Emphasizes*** the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights; *(A/HRC/RES/22/28 op12)*

25. ***Calls upon*** all Member States to comply with their obligations under international law and to assume their responsibilities in relation to a State breaching peremptory norms of international law and specifically not to recognise an unlawful situation resulting from Israel's violations *(A/HRC/22/63 para 116);*

26. ***Stresses*** the need for the Human Rights Council to give increased attention to the failure by Israel to cooperate with the normal functioning of the United Nations,

and calls upon Israel to fully comply with its obligation and cooperate with the Human Rights Council, all Special Procedures and the Office of the High Commissioner for Human Rights; (SR A/HRC/25/67 81(h) adapted)

27. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-**eighth session**; (*A/HRC/RES/22/28 op13 updated*)

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