

FOR THE SECRETARIAT ONLY

A/HRC/29/L.35

AGENDA ITEM: 7

Received from (main sponsors): Pakistan (on behalf of the OIC)

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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 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 deploring the civilian deaths 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, committed in the context of the military operations in the Occupied Palestinian Territory in 2008/2009 and in 2014, particularly in the Gaza Strip, including the findings of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, and of the Boards of Inquiry convened by the Secretary-General,

Condemning all violations of human rights and all violations of international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Deploing the non-cooperation by Israel with 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 seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting 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 lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and *stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians, and promote peace,

Emphasizing the need for States to investigate grave breaches of the Geneva Conventions of 1949, to end 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. *Welcomes* the report of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict;
2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of all 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;
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, as well as 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 that may be 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. *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 in its report has been or is being taken appropriately at the domestic or international levels to ensure justice for victims and accountability for perpetrators;

8. *Requests* the High Commissioner to present, as part of its reporting requested by resolutions S-9/1 and S-12/1, a report on the implementation of the present resolution, as well as on the implementation of the recommendations contained in the reports of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict and of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, to the Council at its thirty-first session;

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

UN Watch