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Report of the United Nations High Commissioner for Human Rights on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

Summary

The present report provides information on the status of implementation of Human Rights Council resolution 13/9 on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict. It reviews the key operative paragraphs of resolution 13/9 and actions taken toward their implementation.

I. Background

1. In resolution 13/9 on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, the Human Rights Council requested the United Nations High Commissioner for Human Rights to present a report on the implementation of the resolution at its fifteenth session. The present report is submitted pursuant to this request.

II. Implementation of Human Rights Council resolution 13/9

2. In operative paragraph 4 of resolution 13/9, the Human Rights Council reiterated its call upon all concerned parties, including United Nations bodies, to ensure the implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict ([A/HRC/12/48](#)), in accordance with their respective mandates.

3. In response to operative paragraph 14 of resolution 13/9, the status of implementation of the recommendations contained in the report of the Fact-Finding Mission is comprehensively addressed in the report of the Secretary-General to the fifteenth session of the Council on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of Human Rights Council resolution S-12/1 ([A/HRC/15/51](#)).

4. In operative paragraph 5 of resolution 13/9, the Human Rights Council reiterated the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible, and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice. In operative paragraph 6 of resolution 13/9, the Council reiterated the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible, and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice.

5. The status of implementation of operative paragraphs 5 and 6 of resolution 13/9 is addressed in the report of the committee of independent experts in international humanitarian and human rights law that was established by the Council in operative paragraph 9 of the same resolution ([A/HRC/15/50](#)). The committee was mandated to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in light of General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards.

6. In operative paragraph 7 of resolution 13/9, the Human Rights Council welcomed the recommendation made by the General Assembly to the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999 as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommended that the Government of Switzerland reconvene the above-mentioned conference before the end of 2010.

7. In the context of preparing a report pursuant to General Assembly resolution 64/254, the Secretary-General requested that the Government of Switzerland provide written information regarding any steps it may have taken, or was in the process of taking, further to the recommendation of the General Assembly in operative paragraph 4 of resolution 64/254.¹ The Government of Switzerland responded to this request with a report entitled "Status of the talks on follow-up to paragraph 4 of General Assembly resolution 64/254," which is contained in annex 3 to the report of the Secretary-General and contains information on the implementation of operative paragraph 7 of Human Rights Council resolution 13/9.
 8. In operative paragraph 8 of resolution 13/9, the Human Rights Council called upon the High Commissioner for Human Rights to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparations to the Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009.
 9. In response to operative paragraph 8, the High Commissioner requested guidance from the Controller of the United Nations on the modalities for the establishment of an escrow fund, including its appropriate custodian. The response received from the Controller identified a range of considerations and questions, which have been referred to the Office of Legal Affairs. The High Commissioner will provide further information on this matter following the receipt of counsel from the Office of Legal Affairs.
 10. In operative paragraph 10 of resolution 13/9, the Human Rights Council requested that the High Commissioner appoint the members of the committee of independent experts in international humanitarian and human rights law and provide them with all the administrative, technical, and logistic assistance requested to enable them to fulfil their mandate promptly and efficiently.
 11. As detailed in the progress report of the High Commissioner on the follow-up to the report of the Fact-Finding Mission ([A/HRC/14/CRP.4](#)), the High Commissioner fulfilled the request of the Council to appoint the members of the committee and established a secretariat to provide assistance to the committee.
 12. In operative paragraph 11 of resolution 13/9, the Human Rights Council requested the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side, pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254, to the committee of independent experts.
 13. As indicated in his second follow-up to the report of the Fact-Finding Mission, the Secretary-General sent all the information submitted by the Government of Israel and the Palestinian side to the High Commissioner, with a request that she transmit this information to the committee of independent experts.² The High Commissioner received and complied with the request of the Secretary-General.
 14. In operative paragraph 12 of resolution 13/9, the Human Rights Council requested the committee of independent experts to present its report to the Council at its fifteenth session. It is expected that the committee will meet this request.
 15. In operative paragraph 13 of resolution 13/9, the Human Rights Council called upon the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions, as referred to in the report of the Fact-Finding Mission, drawing, inter alia, on the expertise of the International Committee of the Red Cross.
 16. As of the submission of this report, the General Assembly has not acted on this request.
 17. The Human Rights Council, in operative paragraph 14 of resolution 13/9, requested the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of resolution S-12/1, to the Council at its fifteenth session.
 18. As noted in paragraph 3 above, the Secretary-General has submitted a report to the fifteenth session of the Council in pursuance of this request.
 19. Operative paragraph 15 of the Council's resolution 13/9 requested that the High Commissioner present a report on the implementation of the same resolution to the Council at its fifteenth session.
 20. The present document is submitted pursuant to this request.
 21. In operative paragraph 16 of resolution 13/9, the High Commissioner was requested to submit to the Council, at its fourteenth session, a progress report on the implementation of the resolution.
 22. The progress report ([A/HRC/14/CRP.4](#)) of the High Commissioner on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict was duly submitted to the fourteenth session of the Council to fulfil this request.
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