



General Assembly

Distr.  
GENERAL

A/70/497  
24 November 2015

Seventieth session  
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**  
**Report of the Special Political and Decolonization Committee (Fourth Committee)**

*Rapporteur: Ms. Clotilde Ferry (Monaco)*

**I. Introduction**

1. At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).
2. The Fourth Committee held a general debate on the item at its 23rd and 24th meetings, on 11 and 12 November 2015, and took action on the item at its 25th meeting, on 17 November (see A/C.4/70/SR.23, 24 and 25).
3. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Secretary-General on 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 the other occupied Arab territories (A/70/133);
  - (b) Report of the Secretary-General on the occupied Syrian Golan (A/70/312);
  - (c) Report of the Secretary-General on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/70/341);
  - (d) Report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (A/70/351);
  - (e) Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/70/421);
  - (f) Note by the Secretary-General transmitting the forty-seventh report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/70/406 and Con.1).
4. At the 23rd meeting, on 11 November, the representative of Sri Lanka, in his capacity as Chair of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee (see A/C.4/70/SR.23).
5. At the same meeting, the representative of the Assistant Secretary-General for Human Rights introduced the reports of the Secretary-General (see A/C.4/70/SR.23).
6. Also at the 23rd meeting, the observer for the State of Palestine made a statement (see A/C.4/70/SR.23).

**II. Consideration of proposals**

7. At its 25th meeting, on 17 November, the Committee was informed that the draft resolutions contained in documents A/C.4/70/L.19-L.23 had no programme budget implications.

**A. Draft resolution A/C.4/70/L.19**

8. At the 25th meeting, on 17 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, the Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and the State of Palestine, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/70/L.19). Subsequently, Guinea, Malaysia, Maldives, Mali and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.
9. At the same meeting, the Committee adopted draft resolution A/C.4/70/L.19 by a recorded vote of 84 to 9, with 74 abstentions (see para. 19, draft resolution I). The voting was as follows:<sup>1</sup>

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burundi, Cabo Verde, Cambodia, Chile, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Gabon, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Panama, United States of America.

*Abstaining:*

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Central African Republic, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Ukraine,

United Kingdom of Great Britain and Northern Ireland, Uruguay.

### **B. Draft resolution A/C.4/70/L.20**

10. At the 25th meeting, on 17 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, the Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and the State of Palestine, introduced a draft resolution entitled "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" (A/C.4/70/L.20). Subsequently, Guinea, Malaysia, Maldives, Mali and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

11. At the same meeting, the Committee adopted draft resolution A/C.4/70/L.20 by a recorded vote of 156 to 6, with 7 abstentions (see para. 19, draft resolution II). The voting was as follows:<sup>2</sup>

#### *In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

#### *Against:*

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

#### *Abstaining:*

Australia, Cameroon, Central African Republic, Cote d'Ivoire, Madagascar, Paraguay, Togo.

### **C. Draft resolution A/C.4/70/L.21**

12. At the 25th meeting, on 17 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Austria, Bahrain, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, the Comoros, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Djibouti, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Indonesia,

Oman, Poland, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, the Sudan, Sweden, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, Yemen and the State of Palestine, introduced a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan" (A/C.4/70/L.21). Subsequently, Iceland, Latvia, Lithuania, Malaysia, Maldives, Mali, Norway, Switzerland and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

13. At the same meeting, the Committee adopted draft resolution A/C.4/70/L.21 by a recorded vote of 154 to 7, with 8 abstentions (see para. 19, draft resolution III). The voting was as follows:<sup>3</sup>

#### *In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

#### *Against:*

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

#### *Abstaining:*

Australia, Cameroon, Central African Republic, Cote d'Ivoire, Honduras, Madagascar, Paraguay, Togo, Iraq, Ireland, Italy, Jordan, Kuwait, Lebanon, Luxembourg, Malta, Mauritania, Morocco, the Netherlands, Nicaragua,

### **D. Draft resolution A/C.4/70/L.22**

14. At the 25th meeting, on 17 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, the Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen and the State of Palestine, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem" (A/C.4/70/L.22). Subsequently, Guinea, Malaysia, Mali and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

15. At the same meeting, the Committee adopted draft resolution A/C.4/70/L.22 by a recorded vote of 151 to 8, with 9 abstentions (see para. 19, draft resolution IV). The voting was as follows:<sup>4</sup>

#### *In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cabo Verde, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

#### *Against:*

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

#### *Abstaining:*

Cameroon, Central African Republic, Cote d'Ivoire, Ghana, Honduras, Madagascar, Malawi, Paraguay, Togo.

## E. Draft resolution A/C.4/70/L.23

16. At the 25th meeting, on 17 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brunei Darussalam, the Comoros, Cuba, the Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Mali, Mauritania, Morocco, Namibia, Nicaragua, Nigeria, Oman, Qatar, Saudi Arabia, Senegal, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen and the State of Palestine, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/70/L.23). Subsequently, Malaysia joined in sponsoring the draft resolution.

10. At the same meeting, the Committee adopted draft resolution A/C.4/70/L.23 by a recorded vote of 156 to 1, with 14 abstentions (see para. 19, draft resolution V). The voting was as follows:<sup>5</sup>

### *In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

### *Against:*

Israel.

### *Abstaining:*

Cameroon, Canada, Central African Republic, Cote d'Ivoire, Honduras, Madagascar, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Paraguay, Togo, Tonga, United States of America.

18. Before the adoption of the draft resolutions, a statement was made by the representative of Panama; after the adoption, statements were made by the representatives of Luxembourg (on behalf of the European Union) and the Syrian Arab Republic and the observer for the State of Palestine (see A/C.4/70/SR.25).

### **Endnotes**

<sup>1</sup> The delegations of India and Kazakhstan subsequently indicated that, had they been present, they would have voted in favour.

<sup>2</sup> The delegations of India and Kazakhstan subsequently indicated that, had they been present, they would have voted in favour.

<sup>3</sup> The delegations of India and Kazakhstan subsequently indicated that, had they been present, they would have voted in favour.

<sup>4</sup> The delegations of India and Kazakhstan subsequently indicated that, had they been present, they would have voted in favour.

<sup>5</sup> The delegations of India and Kazakhstan subsequently indicated that, had they been present, they would have voted in favour.

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## III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

19. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

### **Draft resolution I**

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

*The General Assembly,*

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

*Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> as well as international standards of human rights, in particular the Universal Declaration of Human Rights<sup>2</sup> and the International Covenants on Human Rights,<sup>3</sup> Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 69/90 of 5 December 2014, and the relevant resolutions of the Human Rights Council, including resolutions S-12/1 of 16 October 2009,<sup>4</sup> S-21/1 of 23 July 2014<sup>5</sup> and 29/25 of 3 July 2015,<sup>6</sup>*

*Recalling also the relevant resolutions of the Security Council,*

*Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>7</sup> and recalling in this regard its resolution ES-10/15 of 20 July 2004,*

*Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by the Conference of High Contracting Parties to the Fourth Geneva Convention, and welcoming initiatives by States parties, both individually and collectively, according to article 1 of the Convention and aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,*

*Recalling its resolution 58/292 of 6 May 2004,*

*Taking note of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>9</sup>*

*Convinced that occupation itself represents a gross and grave violation of human rights,*

*Gravely concerned about the continuing detrimental impact of ongoing unlawful Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in the death and injury of civilians and the widespread destruction of property and vital infrastructure, including during the Israeli military operations in the Gaza Strip in July and August 2014, as well as ongoing settlement activities and construction of the wall, the internal forced displacement of civilians, the imposition of collective punishment measures, particularly against the civilian population in the Gaza Strip, where continuing severe restrictions on movement amount to a blockade, and the detention and imprisonment of thousands of Palestinians,*

*Expressing grave concern about tensions, instability and violence in the Occupied Palestinian Territory, including East Jerusalem, due to the illegal policies and practices of Israel, the occupying Power, especially provocations and incitements regarding the holy places of Jerusalem, including Al-Haram Al-Sharif,*

*Gravely concerned about all acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians and properties, including homes, mosques, churches and agricultural lands,*

*Gravely concerned also by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry<sup>10</sup> and in the report of the United Nations Fact-Finding Mission on the Gaza Conflict,<sup>11</sup> and reiterating the necessity for serious follow-up by all parties to the recommendations addressed to them towards ensuring accountability and justice,*

*Deploring the killing and injury of thousands of civilians, including women and children, during the military operations in the Gaza Strip in July and August 2014,*

*Taking note of the report of the independent commission of inquiry established pursuant to Human Rights Council resolution 5-21/1,<sup>12</sup> and stressing the imperative of ensuring 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,*

*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>13</sup> and the relevant reports of the Secretary-General,<sup>14</sup>

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>16</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

Stressing the urgency of bringing a complete end to the Israeli occupation that began in 1967 and thus an end to the violation of the human rights of the Palestinian people, and of allowing for the realization of their inalienable human rights, including their right to self-determination and their independent State,

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011,<sup>16</sup>

Recalling its resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations, and taking note of the follow-up report of the Secretary-General,"

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

1. Commends the Special Committee to Investigate Israeli Practices 'Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Reiterates its demand that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate, and deplores the continued lack of cooperation in this regard;

3. Deplores those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;<sup>15</sup>

4. Expresses grave concern about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, particularly in the Gaza Strip, as a result of unlawful Israeli practices and measures, and especially condemns and calls for the immediate cessation of all illegal Israeli settlement activities and the construction of the wall, the lifting of the blockade of the Gaza Strip, as well as a complete cessation of the excessive and indiscriminate use of force and military operations against the civilian population, settler violence, the destruction and confiscation of properties, including home demolitions as a measure of reprisal, the forced displacement of civilians, all measures of collective punishment, and the detention and imprisonment of thousands of civilians;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. Further requests the Special Committee to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and expresses grave concern about harsh conditions and ill-treatment of prisoners and recent hunger strikes, stressing the need for respect for all applicable rules of international law, including the Fourth Geneva Convention,<sup>1</sup> the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);<sup>18</sup>

8. Requests the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its seventy-first session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its seventy-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

#### **Endnotes**

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

<sup>2</sup> Resolution 217 A (III).

<sup>3</sup> Resolution 2200 A (XXI), annex.

<sup>4</sup> See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53A (A/64/53/Add.1)*, chap. I.

<sup>5</sup> *Ibid.*, *Sixty-ninth Session, Supplement No. 53 (A/69/53)*, chap. VI.

<sup>6</sup> *Ibid.*, *Seventieth Session, Supplement No. 53 (A/70/53)*, chap. II.

<sup>7</sup> See A/ES-10/273 and Corr.1.

<sup>8</sup> A/69/711-S/2015/1, annex.<sup>9</sup> A/HRC/22/63.

<sup>10</sup> See A/63/855-S/2009/250.

<sup>11</sup> A/HRC/12/48.

<sup>12</sup> A/HRC/29/52.

<sup>13</sup> A/70/406 and Corr.1.

<sup>14</sup> A/70/133, A/70/312, A/70/341, A/70/351 and A/70/421.

<sup>15</sup> A/48/486-S/26560, annex.

<sup>16</sup> A/66/371-S/2011/592.

<sup>17</sup> A/67/738.

<sup>18</sup> Resolution 65/229, annex.

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## **Draft resolution II**

### **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 69/91 of 5 December 2014,

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,

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, 2014 to the Geneva Conventions and Additional Protocol I,

*Noting* the accession by Palestine on 1 April

*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 on 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-first session on the implementation of the present resolution.

#### **Endnotes**

<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/70/406 and Corr.1.

<sup>5</sup> A/70/133, A/70/312, A/70/341, A/70/351 and A/70/421.

<sup>6</sup> See A/ES-10/273 and Corr.1.

<sup>7</sup> A/69/711-S/2015/1, annex.

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### **Draft resolution III**

#### **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Recalling* its relevant resolutions, including resolution 69/92 of 5 December 2014, as well as those resolutions adopted at its tenth emergency special session, *Recalling also* the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention<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>

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,<sup>4</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law".<sup>5</sup>

*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,<sup>6</sup>

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>1</sup>

*Recalling also* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by 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, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993<sup>9</sup> and the subsequent implementation agreements between the Palestinian and Israeli sides,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,<sup>10</sup> and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Recalling also* its resolution 67/19 of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Bearing in mind* the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

*Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

*Deploping* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land,

*Deploping in particular* Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Deploping* the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could

- prejudge future negotiations and make the two-State solution physically impossible to implement,  
*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,  
*Condemning* acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,  
*Condemning also all* acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,  
*Taking note* of the relevant reports of the Secretary-General,"  
*Noting* the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,
1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
  2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>1</sup> to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;
  3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 (2003) of 19 November 2003;
  4. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders;
  5. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;<sup>4</sup>
  6. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and agricultural lands;
  7. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;
  8. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;
  9. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;
  10. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>8</sup> by 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, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;
  11. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,<sup>12</sup> concerning the Guiding Principles on Business and Human Rights,<sup>13</sup> and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;
  12. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution.

#### **Endnotes**

<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> See A/ES-10/273 and Corr. 1.

<sup>5</sup> *Ibid.*, advisory opinion, para. 120.

<sup>6</sup> A/HRC/25/67; see also A/70/392.

<sup>7</sup> A/HRC/22/63.

<sup>8</sup> A/69/711-S/2015/1, annex

<sup>9</sup> A/48/486-5/26560, annex.

<sup>10</sup> 5/2003/529, annex.

<sup>11</sup> A/70/133, A/70/312, A/70/341, A/70/351, A/70/406 and Corr.1 and A/70/421.

<sup>12</sup> See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. III, sect. A.

<sup>13</sup> A/HRC/17/31, annex.

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## **Draft resolution IV**

### **Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem**

*The General Assembly,*

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup>

*Recalling also* the International Covenant on Civil and Political Rights,<sup>2</sup> the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the Convention on the Rights of the Child,<sup>3</sup> and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Reaffirming* its relevant resolutions, including resolution 69/93 of 5 December 2014 as well as those adopted at its tenth emergency special session,

*Recalling* the relevant resolutions of the Human Rights Council,

*Recalling also* the relevant resolutions of the Security Council, and stressing the need for their implementation,

*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 report of the Secretary-General on the work of the Special Committee,<sup>5</sup>

*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,<sup>6</sup> as well as of other relevant recent reports of the Human Rights Council,

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,<sup>7</sup> and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*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,

*Taking note* of its resolution 67/19 of 29 November 2012,

*Noting* the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming also* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>8</sup> to the Occupied

Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

*Reaffirming further* the obligation of the States parties to the Fourth Geneva Convention<sup>8</sup> under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Recalling* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014<sup>9</sup> by 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, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*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,

*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,<sup>10</sup>

*Stressing also* the need 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,

*Gravely concerned* by the tensions and violence in the recent period throughout the Occupied Palestinian Territory, including East Jerusalem and including with regard to the holy places of Jerusalem, including Al-Haram Al-Sharif, and deploring the loss of innocent civilian life,

*Recognizing* that security measures alone cannot remedy the escalating tensions, instability and violence, and calling for full respect for international law, including humanitarian and human rights law, including for the protection of civilian life, as well as for the promotion of human security, the de-escalation of the situation, the exercise of restraint, including from provocative actions and rhetoric, and the establishment of a stable environment conducive to the pursuit of peace,

*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 arbitrary imprisonment and detention of Palestinians, some of whom have been imprisoned for decades; 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; the destruction of property and infrastructure; the forced displacement of civilians; 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,

*Gravely concerned*, in this regard, by the ongoing demolition of Palestinian homes by Israel, the occupying Power, in particular in Occupied East Jerusalem, including if carried out as an act of collective punishment in violation of international humanitarian law, and by the revocation of residence permits and eviction of Palestinian residents of the City,

*Deploring* the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and the elderly, the widespread destruction of thousands of homes and civilian infrastructure, including schools, hospitals, water, sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites, and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* about the disastrous humanitarian situation and the critical socioeconomic and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and deepen poverty and despair among the Palestinian civilian population, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

*Recalling* the statement by the President of the Security Council of 28 July 2014,<sup>11</sup>

*Stressing* the need for the full implementation by all parties of Security

Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

*Stressing also* that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides, and regretting the lack of progress made in this regard,

*Gravely concerned* by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry<sup>12</sup> and in the report of the United Nations Fact-finding Mission on the Gaza Conflict,<sup>13</sup> and the findings of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July and 26 August 2014<sup>14</sup> and of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1,<sup>15</sup> and reiterating the necessity for serious follow-up by all parties of the recommendations addressed to them towards ensuring accountability and justice,

*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,

*Expressing deep concern also* about the Israeli policy of closures and the imposition of severe restrictions, including through hundreds of obstacles to movement, checkpoints and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, and the follow-up and access to donor-funded projects of development cooperation and humanitarian assistance, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, consequently violating the human rights of the Palestinian people and negatively impacting their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a critical humanitarian situation in the Gaza Strip, while taking note of developments with regard to the situation of access there and the resumption of some trade from Gaza to the West Bank for the first time since 2007, and calling for the full lifting of restrictions,

*Expressing grave concern* that thousands of Palestinians, including many children and women, continue to be held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, the extensive use of administrative detention of excessive duration without charge and denial of due process, lack of proper medical care and widespread medical neglect, including for prisoners who are ill, with the risk of fatal consequences, and denial of family visits, that impair their well-being, and expressing grave concern also about the ill-treatment and harassment and all reports of torture of any Palestinian prisoners,

*Expressing deep concern* about the recent hunger strikes by numerous Palestinian prisoners in protest of the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>16</sup> and calling for respect for those Rules,

*Recalling also* the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Stressing* the need for the prevention of all acts of violence, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers, especially against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, including in Occupied East Jerusalem, and deploring the violation of the human rights of Palestinians in this regard, including acts of violence leading to death and injury among civilians,

*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 to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

*Noting* the continued efforts and tangible progress made in the Palestinian security sector, and noting also the continued 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,

*Urging* the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, including in East Jerusalem, and to take every possible step to defuse tensions and promote conditions conducive to the credibility and success of the peace negotiations,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

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,<sup>8</sup> and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *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, and the destruction and confiscation of civilian property, including home demolitions, including if carried out as collective punishment in violation of international humanitarian law, 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;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949<sup>8</sup> and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Also calls for* full cooperation by Israel with the relevant special rapporteurs and other relevant mechanisms and inquiries of the Human Rights Council, including the facilitation of entry to the Occupied Palestinian Territory, including East Jerusalem, for monitoring and reporting on the human rights situation therein;

6. *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, inter alia, gravely and detrimentally impact the human rights of the Palestinian people and the prospects for achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides;

7. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for efforts between the two sides for the further release of prisoners and detainees, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);<sup>16</sup>

8. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially 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 thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians;

9. *Expresses grave concern* at the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

10. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

11. *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<sup>1</sup> and as demanded in General Assembly resolutions ES-10/15 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 reparations for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socioeconomic living conditions of the Palestinian people;

12. *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;

13. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and in this regard to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue and massive reconstruction needs and economic recovery in the Gaza Strip, while noting the recent tripartite agreement facilitated by the United Nations in this regard;

14. *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;

15. *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, and welcomes in this regard the formation of the Palestinian national consensus government under the leadership of President Mahmoud Abbas, consistent with the Palestine Liberation Organization commitments and the Quartet principles;

16. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination;

17. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution.

#### **Endnotes**

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>4</sup> A/70/406 and Corr.1.

<sup>5</sup> A/70/341.

<sup>6</sup> A/HRC/20/32; see also A/70/392.

<sup>7</sup> See A/ES-10/273 and Corr.1.

<sup>8</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>9</sup> A/69/711-5/2015/1, annex.

<sup>10</sup> S/2003/529, annex.

<sup>11</sup> S/PRST/2014/13; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (SINF/69).

<sup>12</sup> See A/63/855-5/2009/250.

<sup>13</sup> A/HRC/12/48.

<sup>14</sup> See S/2015/286, annex.

<sup>15</sup> A/HRC/29/52.

<sup>16</sup> Resolution 65/229, annex.

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## **Draft resolution V**

### **The occupied Syrian Golan**

*The General Assembly,*

*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>1</sup>

*Deeply concerned* that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* its previous relevant resolutions, the most recent of which was resolution 69/94 of 5 December 2014,

*Having considered* the report of the Secretary-General submitted in pursuance of resolution 69/94,<sup>2</sup>

*Recalling* its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

*Reaffirming once more* the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,



*Reaffirming* that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,  
*Reaffirming also* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>3</sup> to the occupied Syrian Golan,

*Bearing in mind* Security Council resolution 237 (1967) of 14 June 1967,

*Welcoming* the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>3</sup> and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution.

**Endnotes**

<sup>1</sup> A/70/406 and Corr. 1.

<sup>2</sup> A/70/312.

<sup>3</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

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