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Human rights situation in Palestine and other occupied Arab territories

Progress report of the High Commissioner on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (14 June 2010)

Prepared by the Secretariat

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I. Background

1. At its thirteenth session the Human Rights Council adopted resolution [13/9](#) regarding follow up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict.¹ This resolution requested that the High Commissioner submit a progress report on the status of implementation thereof to the fourteenth session of the Council. The present document is submitted pursuant to this request. It provides updated information on the progress of implementation of resolution 13/9.

II. Progress on the implementation of Human Rights Council resolution 13/9

1. Operative paragraph 8 of resolution 13/9 calls upon the High Commissioner 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.
2. In response to operative paragraph 8 of resolution 13/9, the High Commissioner, on 16 April 2010, requested guidance from the Controller of the United Nations on the modalities for the establishment of an escrow fund, including its appropriate custodian.
3. Operative paragraph 10 of resolution 13/9 requests that the High Commissioner appoint the members of a committee of independent experts and provide them with all the administrative, technical and logistic assistance requested to enable them to fulfill their mandate promptly and efficiently.
4. In response to operative paragraph 10 of resolution 13/9, the High Commissioner has appointed a committee of independent experts in international humanitarian and human rights laws. The committee is composed of three renowned experts in the fields of international humanitarian and human rights law: Professor Christian Tomuschat (Chair), Mr. Param Kumaraswamy and Justice Mary McGowan Davis. The committee will meet as soon as possible, with a

view to agreeing on terms of reference and methods of work, establishing contacts with relevant stakeholders and preparing its program of work. In accordance with resolution 13/9, the committee is expected 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.

5. Also in response to operative paragraph 10 of resolution 13/9, the High Commissioner has established a secretariat to provide the committee with all the administrative, technical and logistical assistance required.

¹Report of the United Nations Fact-Finding Mission on the Gaza Conflict, [A/HRC/12/48](#), 25 September 2009.

Annex

Biography of the members of the committee of independent experts

Professor Christian Tomuschat is Professor Emeritus at Humboldt University Berlin. Prior to taking the Chair of international law in Berlin, he worked for 22 years at the Law Faculty of the University of Bonn as the Director of the Institute of International Law. A renowned international jurist and an expert on international human rights and international humanitarian law, Professor Tomuschat has also previously served as a member of the United Nations Human Rights Committee, President of the International Law Commission, Chairperson of the Guatemalan Historical Clarification Commission, member of the International Commission of Jurists, and Judge of the Inter-American Development Bank and the African Development Bank. He is the author of numerous books and articles on human rights and humanitarian law.

The Honourable Judge Mary McGowan Davis served as Acting Justice of the Supreme Court of the State of New York and a federal prosecutor during the course of a 25 year career in the criminal justice sector in New York City. She also has extensive experience in the fields of international human rights law and transitional justice. Judge Davis has been involved in mentoring and training of lawyers and judges in Afghanistan, Iraq, Mongolia, and Rwanda; visited Cambodia and Sierra Leone on missions relating to the establishment of war crimes tribunals in those countries; and has served as a consultant to the International Criminal Tribunal for Rwanda and the International Criminal Court. She is a member of the Board of Directors of the American Association for the International Commission of Jurists and the International Judicial Academy, and serves on the Managerial Board of the International Association of Women Judges.

Mr. Param Cumaraswamy, a renowned jurist and human rights expert, has served from 1994 to 2003 as the Special Rapporteur of the United Nations Commission on Human Rights on the independence of judges and lawyers. He is a Barrister at Law from the United Kingdom and practices law in Malaysia, and is a former President of the Bar Association of Malaysia. He is an active member of several organizations, including the Law Association of Asia and the Pacific, the International Commission of Jurists and the Advisory Council of the American Bar Association Centre of Human Rights. Mr. Cumaraswamy is the author of numerous articles on human rights, humanitarian law, the rule of law and judicial independence.