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Human Rights Council
Sixteenth session
Agenda item 7
Human rights situation in Palestine and other
occupied Arab territories

Resolution adopted by the Human Rights Council*

16/32

Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2009, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,

Recalling also relevant General Assembly resolutions, including resolution 64/10, adopted on 5 November 2009, and resolution 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission,

Recalling further 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 the Universal Declaration of Human Rights and other international human rights instruments, 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,

Reaffirming the obligation of all parties to respect international humanitarian law and international human rights law,

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

Recalling the report of the Secretary-General submitted to the General Assembly pursuant to paragraph 6 of Assembly resolution 64/10,¹

Recalling also the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Human Rights Council resolution S-12/1,²

1. *Takes note* of the reports of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1,³ and endorses the recommendations contained therein;

2. *Also takes note* of the reports of the committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254,⁴ and calls for the implementation of its conclusions;

3. *Reiterates its call* upon all concerned parties, including United Nations bodies, to ensure the full and immediate implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

4. *Regrets* the non-cooperation by the occupying power, Israel, with the members of the committee of independent experts, and its failure to comply with the calls of the Human Rights Council and the General Assembly 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, and calls on all the parties to the conflict including the Palestinian side, to take into account the conclusions of the committee;

5. *Welcomes* the efforts made by 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 recommends that the Government of Switzerland continue to pursue its efforts with the aim of resuming the above-mentioned conference before September 2011;

6. *Calls upon* the High Commissioner to follow up on the determination of the appropriate modalities for the establishment of an escrow fund for the provision of reparations to 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, also taking into consideration Israelis who suffered loss and damage as a result of unlawful acts attributable to the Palestinian side;

7. *Reiterates its call* to 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 United Nations Independent International Fact-Finding Mission on the Gaza Conflict, drawing on, inter alia, the expertise of the International Committee of the Red Cross;

8. *Recommends* that the General Assembly reconsider the report of the United Nations Fact-Finding Mission on the Gaza Conflict at its sixty-sixth session, and urges the Assembly to submit that report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the

Occupied Palestinian Territory to the prosecutor of the International Criminal Court, pursuant to article 13 (b) of the Rome Statute;

9. *Also recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action has been taken at the domestic or international level to ensure justice for victims and accountability for perpetrators, and also remain ready to consider whether additional action within its powers is required in the interests of justice;

10. *Requests* 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 Human Rights Council resolution S-12/1, to the Council at its eighteenth session;

11. *Requests* the High Commissioner to submit a progress report on the implementation of the present resolution to the Human Rights Council at its eighteenth session;

12. *Decides* to follow up on the implementation of the present resolution at its nineteenth session.

48th meeting
25 March 2011

[Adopted by a recorded vote of 27 to 3, with 16 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Belgium, Burkina Faso, Cameroon, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Spain, Switzerland, Ukraine, Zambia]

*The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its sixteenth session (A/HRC/16/2), chap. I.

¹ A/64/651.

² A/HRC/13/55.

³ A/HRC/13/54 and A/HRC/16/71.

⁴ A/HRC/15/50 and A/HRC/16/24.