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Twenty-first special session
23 July 2014

Report of the Human Rights Council on its twenty-first special session

Vice-President and Rapporteur: Ms. Kateřina Sequeňová (Czech Republic)

I. Resolution adopted by the Human Rights Council at its twenty-first special session S-21/1

Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming the right to self-determination of the Palestinian people and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of

Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention¹ are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Gravely concerned at the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009,²

and convinced that lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of

violations and seriously endangering the maintenance of international peace,

Noting that 9 July 2014 marked the tenth anniversary of the adoption of the advisory opinion by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory and that no progress has been made on its implementation, and affirming the urgent need to respect and

ensure respect for international humanitarian law and international human rights law in this regard,

Firmly convinced that justice and respect for the rule of law are the indispensable bases for peace, and stressing that prevailing long-standing and systemic impunity for international law violations has created a justice crisis in the Occupied Palestinian Territory that warrants action, including accountability for international crimes,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, on violence and offences carried out against Palestinians by the occupying forces and settlers and to establish judicial accountability over its military actions in the

Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the welfare and safety of the Palestinian civilian population under its occupation in the West Bank, including East Jerusalem, and in the Gaza Strip, and noting Israel's wilful abdication and rejection of its obligations in this regard,

Noting that the deliberate targeting of civilians and other protected persons and the perpetration of systematic, flagrant and widespread violations of applicable international humanitarian law and international human rights law in situations of armed conflict constitute grave breaches and a threat to international peace and security,

Deploing the massive Israeli military operations in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014, which have involved disproportionate and indiscriminate attacks and resulted in grave violations of the human rights of the Palestinian civilian population, including through the most recent Israeli military assault on the occupied Gaza Strip, the latest in a series of military aggressions by Israel, and actions of mass closure, mass arrest and the killing of civilians in the occupied West Bank,

Expressing grave concern at the critical humanitarian situation in the Gaza Strip, including in particular the forced displacement of tens of thousands of Palestinian civilians, the crisis in access to adequate water and sanitation services affecting nearly 1 million people, and the extensive damage to electricity infrastructure resulting in 80 per cent of the population receiving electricity only four hours a day, and underlining the importance of providing emergency humanitarian assistance to them and other victims,

Welcoming the establishment of the Palestinian national consensus Government on 2 July 2014³ as an important step towards Palestinian reconciliation, which is crucial for achieving a two-State solution based on the pre-1967 borders and lasting peace, and emphasizing that the situation of the occupied Gaza Strip is unsustainable as long as it remains geographically, politically and economically separated from the West Bank,

1. *Strongly condemns* the failure of Israel, the occupying Power, to end its prolonged occupation of the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law and relevant United Nations resolutions;

2. *Condemns in the strongest terms* the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations carried out in the Occupied Palestinian Territory since 13 June 2014, particularly the latest Israeli military assault on the occupied Gaza Strip, by air, land and sea, which has involved disproportionate and indiscriminate attacks, including aerial bombardment of civilian areas, the targeting of civilians and civilian properties in collective punishment contrary to international law, and other actions, including the targeting of medical and humanitarian personnel, that may amount to international crimes, directly resulting in the killing of more than 650 Palestinians, most of them civilians and more than 170 of whom are children, the injury of more than 4,000 people and the wanton destruction of homes, vital infrastructure and public properties;

3. *Condemns* all violence against civilians wherever it occurs, including the killing of two Israeli civilians as a result of rocket fire, and urges all parties concerned to respect their obligations under international humanitarian law and international human rights law;
4. *Calls for* an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory, including East Jerusalem, and an end to attacks against all civilians, including Israeli civilians;
5. *Welcomes* the initiative of Egypt, supported by the League of Arab States, and calls for all regional and international actors to support this initiative in view of securing a comprehensive ceasefire;
6. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which in itself amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of the crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;
7. *Calls upon* the international community, including the States Members of the United Nations, international financial institutions and intergovernmental and non-governmental organizations, as well as regional and interregional organizations, to provide urgently needed humanitarian assistance and services to the Palestinian people in the Gaza Strip, including by supporting the emergency appeal launched by the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 17 July 2014;
8. *Expresses grave concern* at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers illegally transferred to the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, and condemns in the strongest terms the resulting perpetration of hate crimes;
9. *Expresses deep concern* at the condition of Palestinian prisoners and detainees in Israeli jails and detention centres, in particular following the arrest by Israel of more than 1,000 Palestinians since 13 June 2014, and calls upon Israel, the occupying Power, to immediately release all Palestinian prisoners whose detention is not in accordance with international law, including all children and all members of the Palestinian Legislative Council;
10. *Underlines* the importance of ensuring the protection of all civilians, emphasizes the continued failure of Israel to protect the Palestinian civilian population under its occupation as demanded by international law, and in this context calls for immediate international protection for the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of the Charter of the United Nations, international humanitarian law and international human rights law;
11. *Recommends* that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention,¹ promptly reconvene the conference of High Contracting Parties to the Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with article 1 common to the four Geneva Conventions,² bearing in mind the statement adopted by the Conference of the High Contracting Parties on 15 July 1999, and the Declaration adopted by the Conference on 5 December 2001;
12. *Requests* all relevant special procedures mandate holders to urgently seek and gather information on all human rights violations in the Occupied Palestinian Territory, including East Jerusalem, according to their respective mandates, and to include their observations in their annual reports to the Human Rights Council;
13. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable, and on ways and means to protect civilians against any further assaults, and to report to the Council at its twenty-eighth session;
14. *Requests* the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedures mandate holders to fulfil their mandates promptly and efficiently;
15. *Requests* the High Commissioner to report on the implementation of the present resolution, including on measures taken with regard to ensuring accountability for the serious violations of international humanitarian law and human rights in the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-seventh session;
16. *Decides* to remain seized of the matter.

*2nd meeting
23 July 2014*

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Brazil, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Austria, Benin, Botswana, Burkina Faso, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

Endnotes

¹United Nations, *Treaty Series*, vol. 75, No. 973.

²A/HRC/12/48.

³This should read "2 June 2014".

⁴United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

II. Organization of work of the twenty-first special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.
2. On 18 July 2014, the Permanent Representatives of Egypt (on behalf of the Group of Arab States), the Islamic Republic of Iran (on behalf of the Non-Aligned Movement), the Niger (on behalf of the Group of African States), Pakistan (on behalf of the Organization of Islamic Cooperation) and the Permanent Observer of the State of Palestine to the United Nations Office at Geneva, requested the convening of a special session of the Human Rights Council on 23 July 2014 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem.
3. The above-mentioned request was supported by 17 States Members of the Human Rights Council: Algeria, Benin, Botswana, China, Cuba, Indonesia, Kazakhstan, Kuwait, Maldives, Morocco, Pakistan, Peru, the Russian Federation, Saudi Arabia, South Africa, the United Arab Emirates and Venezuela (Bolivarian Republic of). The request was also supported by 6 observer States of the Council: Brunei Darussalam, Egypt, Iran (Islamic Republic of), Malaysia, the State of Palestine, Turkey.
4. On the same day, Botswana withdrew its co-sponsorship of the above-mentioned request. Ecuador signed the request.
5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on 22 July 2014 and a special session of the Council on 23 July 2014.
6. On 21 July 2014, Benin notified the Secretariat of its decision to withdraw its co-sponsorship of the request to convene the special session, while Burkina

Faso signed the above-mentioned request.

7. In addition, the request was also supported by the following Member and observer States: Afghanistan, Argentina, Bahrain, Brazil, Chile, Djibouti, Gabon, Jordan, Lebanon, Namibia, Qatar, Senegal, the Sudan, Tunisia, Uruguay, Viet Nam, and Yemen.

A. Opening and duration of the session

8. The Human Rights Council held its twenty-first special session at the United Nations Office at Geneva on 23 July 2014. It held two meetings during the session.

9. The twenty-first special session was opened by the President of the Human Rights Council.

B. Attendance

10. The special session was attended by representatives of States Members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

11. At its organizational session of the eighth cycle, on 16 December 2013, the Human Rights Council elected the following officers, who also served as officers for the twenty-first special session:

President:

Baudelaire Ndong Ella (Gabon)

Vice-Presidents:

Alberto D'Alotto (Argentina)

Maurizio Enrico Serra (Italy)

Dilip Sinha (India)

Kateřina Sequeňsová (Czech Republic)

Vice-President and Rapporteur:

D. Organization of work

12. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 22 July 2014 in preparation for the twenty-first special session.

13. At its 1st meeting, held on 23 July 2014, the Human Rights Council considered the organization of its work, including speaking time limits, which would be three minutes for statements by States Members of the Council and two minutes for statements by observer States of the Council, observers for non-Member States of the Council and other observers. The list of speakers would be drawn up in chronological order of registration. States Members of the Council would be given the floor first, followed by observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

14. The special session was conducted in accordance with the relevant provisions contained in Human Rights Council resolution 5/1.

E. Resolution and documentation

15. The resolution adopted by the Human Rights Council at its twenty-first special session is reproduced in chapter I of the present report.

16. The list of documents issued for the twenty-first special session is contained in annex I to the present report.

F. Statements

17. At the 1st meeting, on 23 July 2014, the United Nations High Commissioner for Human Rights made a statement.

18. At the same meeting, the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator in the Office for the Coordination of Humanitarian Affairs (OCHA) made a statement on behalf of the Emergency Relief Coordinator in OCHA.

19. Also at the same meeting, the Acting Director of Legal Affairs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) made a statement on behalf of the Commissioner-General of the UNRWA.

20. Also at the same meeting, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a statement on behalf of the Coordination Committee of the Special Procedures of the Human Rights Council.

21. At the same meeting, the representative of Israel and the Minister for Foreign Affairs of the State of Palestine, Riad Malki made statements as the States concerned.

22. Also at the same meeting, on the same day, statements were made by the following States Members of the Human Rights Council: Algeria, Argentina, Austria, Brazil, Chile, China, Costa Rica, Cuba, Egypt⁵ (also on behalf of the Group of Arab States), Ethiopia (on behalf of the Group of African States), France, Germany, India, Indonesia, Iran (Islamic Republic of)⁶ (also on behalf of the Non-Aligned Movement), Ireland, Italy (on behalf of the European Union, Albania, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia), Japan, Kuwait, Maldives, Mexico, Morocco, Pakistan (also on behalf of the Organization of Islamic Cooperation), Peru, the Philippines, the Republic of Korea, the Russian Federation, Saudi Arabia, South Africa, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela (Bolivarian Republic of), Viet Nam.

23. At the same meeting, statements were made by the following observer States of the Human Rights Council: Qatar, Turkey.

24. At the 2nd meeting, on the same day, statements were made by the following:

(a) Observer States of the Human Rights Council: Afghanistan, Angola, Australia, Bahrain, Bangladesh, Bolivia (Plurinational State of), Canada, Chad, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Guinea, Iceland, Iraq, Jordan, Lebanon, Libya, Malaysia, Malta, Mauritania, Mauritius, New Zealand, the Niger, Norway, Oman, Portugal, Spain, Sri Lanka, the Sudan, Switzerland, the Syrian Arab Republic, Thailand, Tunisia, Uruguay.

(b) Observer for the Holy See;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

(d) Observers for intergovernmental organizations: African Union, Organization of Islamic Cooperation;

(e) Observer for a national human rights institution: Independent Human Rights Commission of Palestine;

(f) Observers for non-governmental organizations: Action contre la faim; Al Mezan Centre for Human Rights; Al-Haq, Law in the Service of Man; Amnesty International; Amuta for NGO Responsibility; BADIL Resource Center for Palestinian Residency and Refugee Rights; Cairo Institute for Human Rights Studies; Caritas Internationalis (International Confederation of Catholic Charities) (also on behalf of Dominicans for Justice and Peace – Order of Preachers); CIVICUS - World Alliance for Citizen Participation; Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith); Defence for Children International; European Union of Jewish Students; General Arab Women Federation (also on behalf of International Organization for the Elimination of All Forms of Racial Discrimination); Human Rights Watch; International Association of Jewish Lawyers and Jurists; International Commission of Jurists; International Federation for Human Rights Leagues; International Institute for Peace, Justice and Human-Rights IIPJHR; Maarif Foundation for Peace and Development; Norwegian Refugee Council; Rencontre Africaine pour la défense des droits de l'homme; Save the Children International; United Nations Watch; Union of Arab Jurists; and World Jewish Congress.

G. Action on the draft proposal

25. At the 2nd meeting, on 23 July 2014, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, introduced draft resolution A/HRC/S-21/L.1, as orally revised, sponsored by the State of Palestine and co-sponsored by Afghanistan, Algeria, Cuba, Djibouti, Egypt (on behalf of the Group of Arab States), Indonesia, Maldives, Morocco, Pakistan (on behalf of the Organization of Islamic Cooperation), Saudi Arabia, and Venezuela (Bolivarian Republic of). Subsequently, Bolivia (Plurinational State of), Ecuador, Namibia, Nicaragua and South Africa joined the sponsors.

26. At the same meeting, the Permanent Representative of Israel and the Permanent Observer of the State of Palestine made statements as the States concerned.

27. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised. The Chief of the Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement in relation to the budgetary implications of the draft resolution as orally revised.

28. At the same meeting, the representatives of Brazil, Italy (on behalf of States members of the European Union that are members of the Council), Peru and the United States of America made statements in explanation of vote before the vote.

29. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as orally

revised. The draft resolution as orally revised was adopted by 29 votes in favour, 1 against, with 17 abstentions. For the text of the adopted resolution S-21/1, see chapter I.

30. At the same meeting, the representative of Gabon made general comments and the representatives of Chile and Japan made statements in explanation of vote after the vote.

Endnotes

³Observer of the Human Rights Council speaking on behalf of Member and observer States.

⁴Observer of the Human Rights Council speaking on behalf of Member and observer States.

III. Report of the Human Rights Council on its twenty-first special session

31. At the 2nd meeting, held on 23 July 2014, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

Annex I

List of documents issued for the twenty-first special session of the Human Rights Council

In the general series

A/HRC/S-21/1 Letter dated 18 July 2014 from the coordinators of the Group of Arab States, the Group of African States, the Organization of Islamic Cooperation, the Movement of Non-Aligned Countries and the State of Palestine addressed to the President of the Human Rights Council

A/HRC/S-21/2 Report of the Human Rights Council on its twenty-first special session

In the limited series

A/HRC/S-21/L.1 Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem

In the Government series

A/HRC/S-21/G/1 Letter dated 28 July 2014 from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva addressed to the President of the Human Rights Council

In the non-governmental series

A/HRC/S-21/NGO/1 Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status

A/HRC/S-21/NGO/2 Exposición conjunta escrita presentada por la Asociación Cubana de las Naciones Unidas (Special); the National Union of Jurists of Cuba, Movimiento Cubano por la Paz y la Soberanía de los Pueblos; Latin American and Caribbean Continental Organization of Students, National Association of Cuban Economists; Federation of Cuban Women; Centro de Estudios Sobre la Juventud; Organization for the Solidarity of the Peoples of Asia, Africa and Latin America, organizaciones no gubernamentales reconocidas como entidades consultivas especiales

A/HRC/S-21/NGO/3 Written statement submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status

A/HRC/S-21/NGO/4 Joint written statement submitted by the Defence for Children International, Terre Des Hommes Federation Internationale and the World Vision International, non-governmental organizations in special consultative status

A/HRC/S-21/NGO/5 Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status

A/HRC/S-21/NGO/6 Written statement submitted by the Action Contre la Faim, a non-governmental organization in special consultative status

A/HRC/S-21/NGO/7 Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in special consultative status

A/HRC/S-21/NGO/8 Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

A/HRC/S-21/NGO/9 Joint written statement submitted by ADALAH - Legal Center for Arab Minority Rights in Israel, the Arab Association for Human Rights, non-governmental organizations in special consultative status

A/HRC/S-21/NGO/10 Joint written statement submitted by the Union of Arab Jurists, the General Arab Women Federation, the Indian Movement "Tupaj Amaru", non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster