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# Advance Edited Version

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## Human Rights Council

### Thirteenth session

Agenda item 7

### Human rights situation in Palestine and other occupied Arab territories

## Resolution adopted by the Human Rights Council\*

### 13/9

### Follow-up to the report of the United Nations Independent International 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 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International 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 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,

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\* The resolutions and decisions of the Human Rights Council will be contained in the report of the Council on its thirteenth session (A/HRC/13/56), chap. I.

*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,

1. *Takes note* of the report of the Secretary-General (A/64/651), submitted pursuant to paragraph 6 of General Assembly resolution 64/10;

2. *Welcomes* the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Council resolution S-12/1 (A/HRC/13/55);

3. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the implementation of Council resolutions S-9/1 and S-12/1 (A/HRC/13/54) and endorses the recommendations contained therein;

4. *Also reiterates* its call upon all concerned parties, including United Nations bodies, to ensure their implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

5. *Further reiterates* the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

6. *Reiterates* the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

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

8. *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;

9. *Decides*, in the context of the follow-up to the report of the Independent International Fact-Finding Mission, to establish a committee of independent experts in international humanitarian and human rights laws 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, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards;

10. *Requests* the High Commissioner to appoint the members of the committee of independent experts and to provide them with all the administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

11. *Requests* the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254 to the committee of independent experts;

12. *Requests* the committee of independent experts to present its report to the Council at its fifteenth session;

13. *Calls upon* the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza conflict, drawing, inter alia, on the expertise of the International Committee of the Red Cross;

14. *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 resolution S-12/1, to the Council at its fifteenth session;

15. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its fifteenth session;

16. *Also requests* the High Commissioner to submit to the Council, at its fourteenth session, a progress report on the implementation of the present resolution;

17. *Decides* to follow up on the implementation of the present resolution at its fifteenth session.

*42nd meeting*

*25 March 2010*

[Adopted by a recorded vote of 29 to 6, with 11 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, Zambia;

*Against:*

Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;

*Abstaining:*

Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.]