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**Draft 10/3/2011**

**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 2010, in follow-up of 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* General Assembly relevant resolutions, including resolution 64/10 adopted on 5 November 2009 and resolution 64/254 adopted on 26 of February 2010 in follow-up of the report of the United Nations Fact-Finding Mission on the Gaza Conflict,

*Recalling* 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 also* the Universal Declaration of Human Rights and the 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 a comprehensive, just and lasting peace and stability in the Middle East,

1. *Takes note* of the Report of the Secretary-General (A/64/651) of 4 February 2010 submitted pursuant to paragraph 6 of General Assembly resolution 64/10;
2. *Takes note* of the report of the Secretary-General A/HRC/13/55 of 9 February 2010 on the status of implementation of paragraph 3 of section B of A/HRC/S-12/1;

3. *Welcomes* the report of the United Nations High Commissioner for Human Rights A/HRC/13/54 of 15 March 2010 on the implementation of Human Rights Council resolution S-9/1 and S-12/1, and endorses the recommendations contained therein;
4. *Welcomes* the report of the 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 light of General Assembly resolution 64/254 and calls for the implementation of its conclusions;
5. *Reiterates* its call upon all concerned parties including United Nations bodies, to ensure their 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;
6. *Condemns* the non cooperation by the occupying power, Israel, with the members of the United Nations Committee of Independent Experts, and its non compliance with the calls by 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 condemns also Israel's failure to ensuring accountability and justice;
7. *Welcomes* the efforts 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* to the government of Switzerland to continue to pursue its efforts with the aim of resuming the above mentioned conference before September 2011;
8. *Calls upon* the High Commissioner for Human Rights 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 December 2008- January 2009 military operations;
9. *Recommends* to the General Assembly to consider the launching of an urgent discussion on the legality of the use of certain munitions, with the assistance of the International Committee of the Red Cross (ICRC) and interested parties and stakeholders as recommended by the Independent United Nations Fact Finding Mission on the Gaza Conflict;

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10. *Recommends also* the General Assembly to reconsider the report of the United Nations Fact-Finding Mission on the Gaza conflict at its main session of 2011, and urges the General Assembly to submit the above mentioned 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;
11. *Recommends* the General Assembly to remain apprised of the matter until it is satisfied that appropriate action is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain also ready to consider whether additional action within its powers is required in the interests of justice;
12. *Requests* the Secretary General to present a comprehensive report on the progress made on the implementation of the recommendations of the Independent International Fact-Finding Mission by all concerned parties including United Nations bodies, in accordance with OP3 of section B of A/HRC/S-12/1, to the seventeenth session of the Human Rights Council of June 2011;
13. *Requests* the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its seventeenth session of June 2011, a progress report on the implementation of this resolution;
14. *Decides* to follow up on the implementation of the present resolution at its seventeenth session of June 2011;