



# General Assembly

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## Human Rights Council

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Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Bolivia (Plurinational State of),\* Cuba, Pakistan,\*\* and State of Palestine\*: draft resolution**

### **55/... Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and all other relevant conventions, and affirming that these international conventions and human rights instruments are, among others, applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the relevant rules and principles of international law, including international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,

*Recalling also* relevant United Nations reports, including the outcome reports of fact-finding missions and commissions of inquiry, and the important recommendations made therein, and calling upon all duty bearers and United Nations bodies to pursue the implementation of those recommendations,

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\* State not a member of the Human Rights Council.

\*\* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, except Albania.



*Recalling further* the order of the International Court of Justice of 26 January 2024 that indicated provisional measures in the case lodged by South Africa against Israel on the application of the Convention on the Prevention and Punishment of the Crime of Genocide (*South Africa v. Israel*) in relation to the right of the Palestinian people in the Gaza Strip to be protected from all acts within the scope of articles II and III of the Convention,

*Recalling* the assessment of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel that Israel has no intention of ending its occupation and is acting to alter the demography of the Occupied Palestinian Territory through the maintenance of a repressive environment for Palestinians and a favourable environment for Israeli settlers and that it is incrementally annexing the territory,<sup>1</sup>

*Stressing* the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

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

*Reaffirming* the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation in accordance with international law,

*Recalling* that collective punishment, forcible transfer, targeting of civilians and civilian objects, using starvation as a means of warfare and blocking access to humanitarian aid are war crimes and that incitement to genocide and the commission of genocide and aggression are international crimes,

*Emphasizing* the obligation of States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law, to end impunity, to uphold their obligations, to ensure respect and to promote international accountability,

*Expressing deep concern* that the sale, diversion and transfers of arms and jet fuel increase the ability of Israel, the occupying Power, to commit serious violations, including attacks against civilians and civilian infrastructures, disregard international law and seriously undermine the enjoyment of human rights,

*Regretting* the lack of progress made in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

*Noting* the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Recalling* that Israel, as the occupying Power, may not invoke the right to self-defence under Article 51 of the Charter of the United Nations against territory that it occupies,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force and the prohibition of all policies and practices of discrimination on the basis of race, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East

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<sup>1</sup> See A/78/198, A/HRC/50/21 and A/HRC/53/22.

Jerusalem, through settlement activities and other measures that are tantamount to de facto annexation of Palestinian land,

*Gravely concerned* that long-standing impunity for international law violations has allowed for the recurrence of grave breaches and serious violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure the access of victims to justice and effective remedies, deter further violations, protect civilians and promote peace,

*Expressing grave concern* at reports of serious human rights violations and grave breaches of international humanitarian law, including of possible war crimes, crimes against humanity and possible genocide in the Occupied Palestinian Territory, including East Jerusalem, and all other actions designed to change the legal status, geographical character and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploring* the grave consequences of the conflict in and around the Gaza Strip, including the high number of casualties, in particular among Palestinian civilians, including infants, children, women, youth, civil society actors, lawyers, journalists and other media workers, medical personnel, humanitarian aid workers and the highest number of United Nations staff killed anywhere in the world during a conflict, as well as ongoing violations of international law, and calling for full respect for international humanitarian and human rights law and for the principles of legality, distinction, precaution and proportionality,

*Appalled* by the catastrophic humanitarian, socioeconomic and security situation in the Gaza Strip resulting from repeated military operations, prolonged closures and severe economic impediments and movement restrictions, including for humanitarian access, amounting to collective punishment in the form of a blockade, as well as the use of starvation as a method of warfare, which has resulted in famine, and the obstruction of supplies indispensable for the survival of the civilian population, the widespread and wanton destruction of residential areas and critical civilian infrastructure, including refugee camps, United Nations facilities, educational institutions, medical facilities, water, sanitation and telecommunication networks and fuel supplies by Israel, the occupying Power, and the short- and long-term detrimental impact of this situation on human rights,

*Expressing grave concern* at the firing of rockets into Israel,

*Stressing* the need to end immediately the closure of the Gaza Strip and all policies and practices of siege by Israel, in violation of international law, including its obligations as the occupying Power under international humanitarian law,

*Stressing also* the need to end the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner, affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

*Stressing further* the need for all parties, in conformity with relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations, to allow full, timely, unconditional, unhindered and safe humanitarian access and to ensure access of humanitarian personnel and the delivery of supplies and equipment in order to allow such personnel to efficiently perform their task of assisting affected civilian populations, including refugees and internally displaced persons, and the need for the independence, neutrality and impartiality of humanitarian organizations to be respected and protected in accordance with international law,

*Deploring* all policies and practices whereby Israeli settlers who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population, and deploring also the widespread violations of the human rights of Palestinian civilians, including as a result of recurrent and escalating terror attacks by settlers,

*Expressing deep concern* that thousands of Palestinians, including many children, women, elected members of the Palestinian Legislative Council and human rights defenders, continue to be detained, including under terms of administrative detention, with limited or no judicial recourse, and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, with restricted access to proper medical care, denial of family visits and denial of due process, which impair their well-being, and appalled by the ill-treatment, harassment and torture of Palestinian prisoners and all reports of inhumane treatment and torture,

*Recalling* the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

*Recalling also* the prohibition under international humanitarian law of individual and mass forcible transfers, and of the deportation of protected persons, from occupied territory, and the prohibition of deportation or transfer by the occupying Power of parts of its own civilian population into the territory it occupies,

*Deploring* the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and international human rights law,

*Recognizing* the work of Palestinian, Israeli and international civil society actors, lawyers, journalists and other media workers, humanitarian agencies and human rights defenders in documenting and countering violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and deploring the deliberate targeting of those and all other protected persons by Israel, the occupying Power,

*Expressing deep concern* that disinformation spread by States and State-sponsored actors, including international media outlets, can accompany serious violations of international law and can negatively impact the enjoyment of human rights, in particular in times of armed conflict,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and stressing the importance of Palestinian, Israeli and international non-governmental organizations, which have been instrumental to human rights monitoring, protection and relief efforts undertaken by the international community, and expressing concern about the decision taken by Israel to proscribe, ban or smear certain non-governmental organizations,

1. *Demands* that Israel, the occupying Power, end its occupation of the Palestinian territory occupied since 1967, including East Jerusalem, and stresses that all efforts to end the Israeli-Palestinian conflict must be grounded in respect for international humanitarian law and international human rights law and relevant United Nations resolutions;

2. *Also demands* that Israel immediately lift its illegal blockade on the Gaza Strip and all other forms of collective punishment and siege;

3. *Calls* for an immediate ceasefire in Gaza, for immediate emergency humanitarian access and assistance, in particular through crossings and land routes, and for the urgent restoration of basic necessities to the Palestinian population in Gaza;

4. *Condemns* Israeli actions that may amount to ethnic cleansing, and calls upon all States to take immediate action to prevent the continued forcible transfer of Palestinians within or from Gaza, in compliance with their obligations under international law;

5. *Also condemns* the use of starvation of civilians as a method of warfare in Gaza, the unlawful denial of humanitarian access, wilful impediment to relief supplies and deprivation of objects indispensable to the survival of civilians, including food, water, electricity, fuel and telecommunications, by Israel, the occupying Power;

6. *Expresses grave concern* at statements by Israeli officials amounting to incitement to genocide, and demands that Israel uphold its legal responsibility to prevent genocide and fully abide by the provisional measures issued by the International Court of Justice on 26 January 2024;

7. *Deplores* the ongoing policy of Israel to impose punitive measures on the Palestinian people, leadership and civil society, and calls upon Israel to end its practice of “withholding” Palestinian tax revenues, which constitutes an act of reprisal prohibited under international law;

8. *Stresses* the imperative of credible, timely and comprehensive accountability for all violations of international law in order to attain justice for victims and establish a just and sustainable peace;

9. *Welcomes* the ongoing investigation of the Office of the Prosecutor of the International Criminal Court into the situation in the Occupied Palestinian Territory, and looks forward to its continuation, with a view to ensuring accountability for the crimes under the Court’s jurisdiction, including for the aiding or abetting of such crimes;

10. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

11. *Affirms* that no State shall recognize as lawful a situation created by a serious breach by a State of an obligation arising under a peremptory norm of general international law, nor render aid or assistance in maintaining that situation, and that all States shall cooperate to bring to an end through lawful means any serious breach;

12. *Recognizes* that the grave violations of multiple peremptory norms by Israel constitute a threat to international peace and security and result in grave breaches and human rights abuses, and calls upon all States to ensure that their arms exports do not contribute to or benefit from this unlawful situation;

13. *Calls upon* all States to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including “dual-use” items, when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights, and recalls the order of the International Court of Justice of 26 January 2024, determining that there is a plausible risk of genocide in Gaza;

14. *Deplores* the persistent non-cooperation of Israel with the special procedures of the Human Rights Council and other United Nations mechanisms seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem, and calls for its full cooperation with the Council and all its special procedures, relevant mechanisms and inquiries and with the Office of the United Nations High Commissioner for Human Rights;

15. *Demands* that Israel grant immediate access to the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, the special procedures of the Human Rights Council and the Office of the High Commissioner;

16. *Demands* that Israel, the occupying Power, cease all illegal actions in the Occupied Palestinian Territory, including East Jerusalem, including the establishment and expansion of settlements; the demolition of privately owned and residential structures belonging to Palestinians, including punitive home demolitions; the forcible transfer of Palestinian inhabitants and the revocation of residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and

demographic composition of the territory as a whole, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a just and peaceful settlement;

17. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and demanded by the General Assembly in its resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

18. *Calls upon* Israel to immediately cease its demolitions or plans for demolition that would result in the continued forcible transfer or forced eviction of Palestinians, to facilitate the return of Palestinian families and communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

19. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to ensure non-discrimination on grounds of religion or belief and the preservation of and peaceful access to all religious sites;

20. *Reaffirms* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory, including East Jerusalem, and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, the entry of humanitarian equipment, transport and supplies to all areas under occupation and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

21. *Urges* Israel to end its discriminatory water resource allocation in the Occupied Palestinian Territory, including in the Jordan Valley area, which has been affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

22. *Demands* that Israel, the occupying Power, comply fully with international law, including international humanitarian law and international human rights law, and that it cease all measures and actions taken in breach of these bodies of law, as well as discriminatory legislation, policies and actions in the Occupied Palestinian territory, including East Jerusalem, that violate the human rights of the Palestinian people, including those carried out as collective punishment in violation of international humanitarian law, and its obstruction of humanitarian assistance and independent and impartial actions of civil society;

23. *Demands also* that Israel take immediate measures to prohibit and eradicate all of its policies and practices of segregation, which severely and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by terminating the system of segregated roads for the exclusive use of the Israeli population, the settlement enterprise and the restrictions on the freedom of movement of Palestinians and by dismantling the illegal wall;

24. *Reaffirms* that criticism of violations of international law by Israel should not be conflated with antisemitism;

25. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

26. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including unlawful lethal and other excessive use of force by Israeli occupying forces against Palestinian civilians, including against civilians with special protected status under international law and who pose no imminent threat to life;

27. *Also condemns* the use of explosive weapons with wide area effects by Israel in populated areas in Gaza and the use of artificial intelligence to aid military decision-making that may contribute to the commission of international crimes;

28. *Expresses grave concern* at the reverberating effects of the use of explosive weapons on hospitals, schools, water, electricity and shelter, which are affecting millions of Palestinians;

29. *Condemns* the firing of rockets against Israeli civilian areas, resulting in loss of life and injury, and calls for an end to all actions by militants and armed groups contrary to international law;

30. *Also condemns* the targeting of civilians, including on 7 October 2023, and demands the immediate release of all remaining hostages and detainees as well as ensuring immediate humanitarian access to the hostages and detainees in line with international law;

31. *Calls upon* all States to abide by international law and all High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

32. *Urges* all States to continue to provide emergency assistance, including humanitarian relief and development assistance, to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip, emphasizes the vital role of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in providing basic and necessary services for millions of Palestinians in the region, and calls upon all States to ensure that the Agency receives predictable sustained and sufficient funding to fulfil its mandate;

33. *Calls* for an end to all ongoing policies of harassment, threats, intimidation and reprisals, detention and expulsion against human rights defenders, journalists, media workers and civil society actors who peacefully advocate for the rights of the Palestinian people, including by cooperating with United Nations human rights bodies, calls for their protection, and underscores the need to investigate all such acts and to ensure accountability and effective remedies;

34. *Expresses concern* at the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to freedom of expression, to spread hatred, racism, xenophobia, negative stereotyping or stigmatization and to incite violence, discrimination and hostility, and emphasizes the important contribution by journalists in countering this trend;

35. *Calls upon* Israel to revoke all unsubstantiated designations of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations and to refrain from using anti-terrorism legislation to undermine civil society and its valuable work and contributions to the pursuit of accountability;

36. *Affirms* that undue restrictions imposed by States on peaceful protests and civil society working to protect human rights and advocating for respect of international law in the context of the military assault on Gaza run contrary to the obligations of States under international law;

37. *Expresses deep concern* at the conditions of Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres and at the continued use of administrative detention, and calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, to fully respect and abide by its obligations under international law towards all Palestinian prisoners and detainees in its custody, including by ensuring access to medical care, to implement fully

the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody and to release immediately all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

38. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel and respect fully its obligations under article 76 of the Fourth Geneva Convention;

39. *Reaffirms* that children shall be the object of special respect and shall be protected against any form of indecent assault, emphasizes that any arrest, detention or trial of Palestinian children by Israel is in violation of the Convention on the Rights of the Child, and notes that the Israeli policy of holding criminal proceedings against children in military courts is illegal and falls short of providing the necessary guarantees to ensure respect for their rights and infringes upon their right to non-discrimination;

40. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms and to ensure the provision of an effective remedy for all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations and international crimes;

41. *Invites* the General Assembly to recommend that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, promptly convene the Conference of High Contracting Parties to the Fourth 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, bearing in mind the statement adopted by the Conference of the High Contracting Parties on 15 July 1999 and the declarations adopted by the Conference on 5 December 2001 and 17 December 2014;

42. *Requests* the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel to report on both the direct and indirect transfer or sale of arms, munitions, parts, components and dual use items to Israel, the occupying Power, including by identifying those that have been used during the Israeli military operation in Gaza since 7 October 2023, and to analyse the legal consequences of these transfers, applying international humanitarian law, customary international law related to State responsibility and the Arms Trade Treaty, where applicable, and to present its report to the Human Rights Council at its fifty-ninth session;

43. *Requests* the Secretary-General, in view of the unprecedented magnitude of crimes and violations, to ensure the availability of all additional resources, including through voluntary resources, necessary to enable the Commission of Inquiry to carry out its mandate, in particular investigative and outreach expertise, as well as the resources and expertise necessary to enable the Office of the High Commissioner to provide the administrative, technical and logistical support essential for the implementation of the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

44. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its fifty-eighth session, to be followed by an interactive dialogue;

45. *Decides* to remain seized of the matter.

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