

Draft Resolution

The human rights situation in the Occupied Palestinian Territory, including East Jerusalem

A

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights,

Affirming the responsibility of the international community to promote human rights and ensure respect for international law,

Emphasizing the particularity of The Occupied East Jerusalem in its rich religious and cultural heritage,

Recalling all relevant United Nations resolutions including Security Council resolutions on Occupied East Jerusalem,

Deeply concerned at the Israeli actions undermining the sanctity and inviolability of religious sites in the Occupied Palestinian Territory including East Jerusalem,

Deeply concerned also at the Israeli policy of closure and severe restrictions, including the permit regime, that continue to be imposed on the movement of Palestinians hindering their free access to their Christian and Muslim holy sites, including Al Aqsa Mosque,

1. *Strongly condemns* all policies and measures taken by Israel, the occupying power, to limit access of Palestinians to their properties and holy sites particularly in Occupied East Jerusalem, on the basis of national origin, religion, sex, age or any other status, which are in grave violation of the Palestinian People's to their civil, political, economic, social and cultural rights;

2. *Demands* Israel, the occupying power, to respect the religious and cultural rights enshrined in the Universal Declaration of Human Rights, the Hague convention and the Geneva Conventions of August 12, 1949 in the Occupied Palestinian Territory, including East Jerusalem and to allow Palestinian citizens and worshippers unhindered access to their properties and religious sites;
3. *Demands also* Israel, the occupying power to immediately cease all digging and excavation works and activities beneath and around Al Aqsa Mosque and its vicinity, and refrain from any acts or operations that may endanger the structure or foundations or change the nature of holy sites both Christian and Islamic in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 53 of the Fourth Geneva convention, article 53 of the First Additional Protocol of the Fourth Geneva Convention, article 18 of the Universal Declaration of Human Rights, in addition to articles 23,25,46 of the Hague Conventions;

B

The Human Rights Council,

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

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

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

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Affirming the applicability of international human rights law and the international humanitarian law, namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution A/HRC/S-9/L.1 of 12 January 2009, in which the Council decided to dispatch an urgent, independent international fact-finding mission, and its call upon the occupying power, Israel, not to obstruct the process of investigation and to fully cooperate with the mission,

1. *Condemns* the non-cooperation by the occupying power, Israel, with the independent international fact-finding mission;
2. *Welcomes* the report of the Independent International Fact-Finding Mission (symbol of the report);
3. *Fully Endorses* the recommendations contained in the report, and calls upon all concerned parties including UN bodies, to ensure their immediate implementation in accordance with their respective mandates;
4. *Recommends* the General Assembly to consider the report of the Independent International Fact-Finding Mission, during the main part of its 64th session;
5. *Requests* the United Nations Secretary General to submit to the 13th Human Rights Council's session, a report, on the status of implementation of paragraph 3. above;

C

The Human Rights Council,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention,

Reaffirming that each High Contracting Party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is under the obligation to respect and ensure the respect for the obligations arising from that Convention,

Stressing that the right to life constitutes the most fundamental of all human rights,

Recognizing that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Welcomes* the first periodic report of the United Nations High Commissioner for Human Rights on the implementation of the Human Rights Council resolution S-9/1;
2. *Fully endorses* the recommendations contained in the first periodic report of the High Commissioner, and calls upon all concerned parties including UN bodies to ensure their implementation in accordance with their respective mandates;
3. *Requests* the High Commissioner for Human Rights to submit to the 13th Human Rights Council's session, a report, on the status of implementation of this resolution;
4. *Decides* to follow up on the implementation of the present resolution at its 13th session;

