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HUMAN RIGHTS COUNCIL
Twelfth special session
15 – 16 October 2009

Resolution adopted by the Human Rights Council*

S- 12/1. 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,

* The resolution and decision adopted by the Human Rights Council will be contained in the report of the Council on its twelfth special session (A/HRC/S-12/1), chap. I.

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, including those limiting 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 discriminatory ground, which are in grave violation of the Palestinian People's civil, political, economic, social and cultural rights;

2. *Condemns further* the recent Israeli violations of human rights in Occupied East Jerusalem, particularly the confiscation of lands and properties, the demolishing of houses and private properties, the construction and expansion of settlements, the continuous construction of the separation Wall, changing the demographic and geographic character of East Jerusalem, the restrictions on the freedom of movement of the Palestinian citizens of East Jerusalem, as well as the continuous digging and excavation works in and around Al-Aqsa mosque and its vicinity;

3. *Demands* Israel, the occupying power, to respect the religious and cultural rights in the Occupied Palestinian Territory as provided for in the Universal Declaration of Human Rights, the core International Human Rights instruments, the Hague Conventions, and the Geneva Conventions, and to allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

4. *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;

5. *Requests* the High Commissioner for Human Rights, pursuant to resolution S-9/L.1 and in the context of her periodic reports, to monitor, document and report on the state of implementation by Israel, the occupying power, of its Human Rights obligations in and around East Jerusalem;

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,

Condemning all targeting of civilians and stressing the urgent need to ensure accountability for all violations of international human rights law and international humanitarian law to prevent further violations.

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 (A/HRC/12/48);

3. *Endorses* the recommendations contained in the report of the Independent International Fact-Finding Mission, and calls upon all concerned parties including United Nations bodies, to ensure their 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, and *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 its 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(A/HRC/12/37);

2. *Endorses* the recommendations contained in the first periodic report of the High Commissioner, and calls upon all concerned parties including United Nations 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 section A, section B and section C of the present resolution at its 13th session.

*2nd meeting
16 October 2009*

[Adopted by a recorded vote of 25 to 6, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Chile, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

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

Abstaining: Belgium, Bosnia and Herzegovina, Burkina Faso, Cameroon, Gabon, Japan, Mexico, Norway, Republic of Korea, Slovenia, Uruguay.]