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Page 1 of 2

Ensuring respect for international humanitarian law and international human rights law

The Human Rights Council,

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

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as affirmed in the United Nations Charter and in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Reaffirming the applicability of international human rights law and international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and recalling their obligations under articles 146, 147 and 148 with regard to penal sanctions and grave breaches,

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

Recalling the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict,

Firmly convinced that justice and respect for the rule of law and human rights are the indispensable bases for peace, and stressing that long-standing and systemic impunity for international law violations has thwarted justice, created a protection crisis and undermined all efforts to achieve a just and peaceful solution that warrants action in line with international law and relevant United Nations resolutions,

1. *Decides* to urgently establish an ongoing independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity;
2. *Also decides* that the commission of inquiry shall:
 - (a) Establish the facts and circumstances that may amount to such violations and abuses and of the crimes perpetrated;

- (b) Collect, consolidate, and analyse evidence of such violations and abuses and of the crimes perpetrated, and systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, in accordance with international law standards, in order to maximise the possibility of its admissibility in legal proceedings;
 - (c) Have the capacity to document and verify relevant information and evidence, including through field engagement and by cooperating with judicial and other entities, as appropriate;
 - (d) Identify, where possible, those responsible, with a view to ensuring that the perpetrators of violations are held accountable;
 - (e) Identify patterns of violations over time by analysing the similarities in findings and recommendations with and of previous UN fact-finding missions and commissions of inquiry on the situation;
 - (f) Make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations, and justice for victims;
 - (g) Provide recommendations on measures to be taken by third States to 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 in fulfilment of their obligations under articles 146, 147 and 148 of the said Convention, including by ensuring that they do not aid or assist in the commission of internationally wrongful acts;
 - (h) Provide recommendations on practical measures that can be taken in follow-up of the report of the Secretary-General to the General Assembly, A/ES-10/794 of 14 August 2018, pursuant to General Assembly resolution ES-10/20 of 18 June 2018;
 - (i) Report on its main activities on an annual basis to the Human Rights Council under agenda item 2 as of its 50th session and to the General Assembly as of its 77th session;
3. *Calls upon* all relevant parties to cooperate fully with the commission of inquiry and facilitate its access;
 4. *Calls upon* all States, and encourages civil society, the media, and other relevant stakeholders to cooperate fully with the commission of inquiry to effectively fulfil its mandate and, in particular, to provide it with any information and documentation they may possess or come to possess, as well as any other forms of assistance pertaining to their respective mandates;
 5. *Requests* the United Nations system as a whole to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including access to all information and documentation;
 6. *Requests* the Secretary-General to allocate the resources necessary for the implementation of the present resolution;
 7. *Calls upon* all States, international agencies and other donors to urgently mobilize humanitarian support for the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, to address their prevailing needs and calls on Israel, the occupying Power, to ensure unimpeded delivery of this humanitarian assistance;
 8. *Requests* the High Commissioner for Human Rights to provide an oral update on the progress made in the implementation of the present resolution at its 48th session;
 9. *Decides* to remain seized of the matter.