

**2 November 2009**

**DRAFT**

**GENERAL ASSEMBLY - 64<sup>th</sup> SESSION**

**AGENDA ITEM: Human Rights Council Report**

**Follow-up of the Report of the United Nations Fact Finding Mission on the Gaza Conflict  
(Goldstone Report)**

*The General Assembly,*

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

*Recalling* the relevant rules and principles of international law, including international humanitarian and human rights law, particularly the Fourth 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 human rights covenants, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child,

*Recalling* its relevant resolutions, including resolution ES-10/18 of 16 January 2009 of its tenth emergency special session,

*Recalling also* the relevant Security Council resolutions, including resolution 1860 (2009) of 8 January 2009,

*Recalling* the relevant resolutions of the Human Rights Council, including resolution S-12/1 of 16 October 2009,

*Expressing its appreciation* to the “United Nations Fact Finding Mission on the Gaza Conflict” led by Justice Richard Goldstone for their comprehensive report,

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

*Emphasizing* the importance of the safety and well-being of all civilians, and *reaffirming* the obligation to ensure the protection of civilians in armed conflict,

*Gravely concerned* by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations in the Gaza Strip that were launched on 27 December 2008, including the findings of the “United Nations Fact Finding Mission on the Gaza Conflict” and the Secretary-General’s Board of Inquiry,

*Condemning* all targeting of civilians and civilian infrastructure and institutions, including United Nations facilities,

*Stressing the need* to ensure accountability for all violations of international humanitarian law and international human rights law for preventing impunity, ensuring justice, deterring further violations and promoting 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. *Endorses* the report of the Human Rights Council on its Twelfth Special Session of 15-16 October 2009;
2. *Requests* the Secretary-General to transmit the report of the “United Nations Fact Finding Mission on the Gaza Conflict” to the Security Council;
3. *Calls upon* the Government of Israel to take all appropriate steps, within a period of three months, to undertake 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 “United Nations Fact Finding Mission on the Gaza Conflict” towards ensuring accountability and justice;
4. *Urges*, in line with the recommendation of the “United Nations Fact Finding Mission on the Gaza Conflict”, the undertaking of investigations that are independent, credible and in conformity with international standards, within a period of three months, by the Palestinian side into the serious violations of international humanitarian and international human rights law reported by the “United Nations Fact Finding Mission on the Gaza Conflict” towards ensuring accountability and justice;
5. *Recommends* to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, to undertake the necessary steps as soon as possible to reconvene a Conference of the High Contracting Parties to the 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;
6. *Requests* the Secretary-General to report to the General Assembly, within a period of three months, on the implementation of the present resolution, with a view to considering further action, if necessary, by the relevant United Nations organs and bodies, including by the Security Council;
7. *Decides* to remain seized of the matter.