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Human Rights Council

Thirtieth special session

27 May 2021

Report of the Human Rights Council on its thirtieth special session

Vice-President and Rapporteur: Monique T.G. Van Daalen



I. Resolution adopted by the Human Rights Council at its thirtieth special session

S-30/1. Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel

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 Charter and in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Reaffirming also the applicability of international human rights law and international humanitarian law, in particular the 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 further 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 also the report of the Secretary-General submitted to the General Assembly pursuant to Assembly resolution ES-10/20 of 13 June 2018, and the need for operationalization of protection options contained therein,

Recalling further 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 crimes perpetrated;*

(b) *Collect, consolidate and analyse evidence of such violations and abuses and of 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 maximize 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 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 United Nations 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) Make 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 Fourth Geneva Convention, including by ensuring that they do not aid or assist in the commission of internationally wrongful acts;

(i) Report on its main activities on an annual basis to the Human Rights Council under agenda item 2 as of its fiftieth session, and to the General Assembly as of its seventy-seventh session;

3. *Calls upon* all relevant parties to cooperate fully with the commission of inquiry and to 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 allow it to effectively fulfil its mandate and, in particular, to provide it with any information or documentation they may possess or come to possess, as well as any other form of assistance pertaining to their respective mandates;

5. *Calls upon* relevant organs, bodies and agencies of the United Nations system to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including with regard to access to all relevant information and documentation;

6. *Requests* the Secretary-General to allocate the resources necessary for the implementation of the present resolution and for the OHCHR to provide the logistical and technical resources necessary to support the functioning of the Commission of Inquiry;

7. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that there is a clear risk that such arms might be used in the commission or facilitation of serious violations or abuses of international human rights law or serious violations of international humanitarian law;

8. *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, and to address their prevailing needs, and calls upon Israel, the occupying Power, to ensure the unimpeded delivery of that humanitarian assistance;

9. *Requests* the United Nations High Commissioner for Human Rights to provide an oral update on the progress made in the implementation of the present resolution to the Human Rights Council at its forty-eighth session;

10. *Decides* to remain seized of the matter

*2nd meeting
27 May 2021*

[Adopted by a recorded vote of 24 to 9, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Libya, Mauritania, Mexico, Namibia, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Uzbekistan, Venezuela (Bolivarian Republic of)

Against:

Austria, Bulgaria, Cameroon, Czechia, Germany, Malawi, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, Uruguay

Abstaining:

Bahamas, Brazil, Denmark, Fiji, France, India, Italy, Japan, Nepal, Netherlands, Poland, Republic of Korea, Togo, Ukraine]

II. Organization of work of the thirtieth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.
2. On 19 May 2021, the Permanent Representative of Pakistan, Coordinator of the Organization of Islamic Cooperation on Human Rights and Humanitarian Issues, jointly with the Permanent Observer of the State of Palestine to the United Nations Office and other international organizations in Geneva, requested the convening of a special session of the Human Rights Council on 27 May 2021 on the grave human rights situation in the Occupied Palestinian Territory, including East Jerusalem (see A/HRC/S-30/1).
3. The above-mentioned request was supported by 22 States members of the Human Rights Council, namely, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Libya, Mauritania, Mexico, Namibia, the Netherlands, Pakistan, the Philippines, Senegal, Somalia, the Sudan, Uzbekistan and Venezuela (Bolivarian Republic of). The request was also supported by 47 observer States of the Council, namely, Afghanistan, Albania, Algeria, Azerbaijan, Benin, Brunei Darussalam, Chad, Chile, the Comoros, Djibouti, Egypt, the Gambia, Guinea, Guinea-Bissau, Guyana, Iran (Islamic Republic of), Iraq, Ireland, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Luxembourg, Malaysia, Maldives, Mali, Morocco, Mozambique, the Niger, Nigeria, Oman, Peru, Qatar, Saudi Arabia, Sierra Leone, South Africa, Suriname, the Syrian Arab Republic, Tajikistan, Tunisia, Turkey, Turkmenistan, Uganda, the United Arab Emirates, Yemen and the State of Palestine.
4. Subsequently, the request was also supported by one observer State, namely Belgium.
5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on the conduct and organization of the special session on 25 May 2021, and the special session on 27 May.

A. Opening and duration of the session

6. The Human Rights Council held its thirtieth special session at the United Nations Office at Geneva on 27 May 2021. It held two meetings during the session.
7. The thirtieth special session was opened by the President of the Human Rights Council.

B. Attendance

8. The special session was attended by representatives of States members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. The following members of the Bureau of the Human Rights Council appointed for the fifteenth cycle also served as officers for the thirtieth special session:

<i>President</i>	Nazhat Shameem Khan (Fiji)
<i>Vice-Presidents</i>	Keva Lorraine Bain (Bahamas)
	Ali Ibn Abi Talib Abdelrahman Mahmoud (Sudan)
	Yuri Borissov Sterk (Bulgaria)

*Vice-President
and Rapporteur*

Monique T.G. Van Daalen (Netherlands)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 25 May 2021 in preparation for the thirtieth special session.

11. At its first meeting, on 27 May 2021, the Human Rights Council considered the organization of its work, including speaking time limits, which would be 2 minutes and 30 seconds for States members of the Council and 1 minute and 30 seconds for observer States of the Council and other observers.

12. At the same meeting, the Human Rights Council decided to endorse extraordinary measures and modalities proposed by the Bureau of the Council in the annexes to the minutes of the Bureau meeting of 21 May 2021 for the thirtieth special session, which mirrored the modalities that had been adopted by the Council for its forty-sixth regular session in the light of the coronavirus disease (COVID-19) pandemic. The measures included encouraging parties to deliver their statements remotely or by pre-recorded video message, and allowing delegations to raise points of order remotely and the virtual exercise of the right of reply. The Council also approved extraordinary modalities, as contained in annex II to the minutes of the Bureau meeting, for virtual voting (via Zoom).

13. Also at the same meeting, the Human Rights Council, given that the measures required to address the COVID-19 pandemic precluded in-person participation of non-governmental organizations, adopted a decision to allow, exceptionally, non-governmental organizations in consultative status with the Economic and Social Council and national human rights institutions with A status the opportunity to submit pre-recorded video statements for the special session. The number of non-governmental organizations to be included in the list of speakers for the special session was set at 18, in accordance with the average number of non-governmental organizations that had participated in the three previous special sessions, held in 2017, 2018 and February 2021.

14. The special session was conducted in accordance with the relevant provisions contained in the annex to Human Rights Council resolution 5/1.

E. Resolution and documentation

15. The resolution adopted by the Human Rights Council at its thirtieth special session is reproduced in chapter I of the present report.

16. The list of documents issued for the thirtieth special session is contained in the annex to the present report.

F. Statements

17. At the first meeting, on 27 May 2021, the United Nations High Commissioner for Human Rights made a statement.

18. At the same meeting, in the light of the subject of the special session, the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, also on behalf of the Coordination Committee of the Special Procedures of the Human Rights Council, made a statement.

19. Also at the same meeting, in the light of the subject of the special session, the following made statements: the Director of Al-Mezan Center for Human Rights in Gaza and the Head of the Independent Commission for Human Rights of Palestine, Issam Younis (video statement); a former member of the Knesset and the Chairperson of the Arab Higher Committee in Israel, Mohammad Barakeh (video statement); and a journalist and resident of Sheikh Jarrah in Jerusalem, Muna El Kurd.

20. At the same meeting, the representatives of Israel and the State of Palestine made statements as the States concerned.

21. Also at the same meeting and at the 2nd meeting, on the same day, the following made statements:

(a) Representatives of States members of the Human Rights Council: Argentina (video statement), Azerbaijan* (on behalf of the Movement of Non-Aligned Countries), Bahrain (video statement), Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria (video statement), China (video statement), Cuba (video statement), Czechia (video statement), Denmark (video statement), Egypt* (on behalf of the Group of Arab States) (video statement), France, India (video statement), Indonesia (video statement), Japan, Libya (video statement), Mauritania (video statement), Mexico (video statement), Namibia (video statement), Nepal (video statement), Netherlands (video statement), Pakistan (also on behalf of the Organization of Islamic Cooperation, with the exception of Cameroon and Togo), Philippines (video statement), Portugal* (on behalf of the European Union) (video statement), Republic of Korea (video statement), Russian Federation (video statement), Senegal (video statement), Somalia (video statement), South Africa* (on behalf of the Group of African States), Sudan (video statement), Sweden* (also on behalf of Denmark, Finland, Iceland and Norway) (video statement), Ukraine (video statement), United Kingdom of Great Britain and Northern Ireland (video statement), Uzbekistan (video statement), Venezuela (Bolivarian Republic of) (video statement);

(b) Representatives of observer States: Albania (video statement), Algeria (video statement), Angola (video statement), Australia (video statement), Botswana (video statement), Brunei Darussalam (video statement), Canada (video statement), Chile (video statement), Colombia (video statement), Costa Rica (video statement), Democratic People's Republic of Korea, Djibouti (video statement), Ecuador, Egypt (video statement), Guyana (video statement), Hungary (video statement), Iran (Islamic Republic of), Iraq (video statement), Ireland (video statement), Jordan (video statement), Kuwait (video statement), Lebanon, Liechtenstein (video statement), Luxembourg (video statement), Malaysia (video statement), Maldives (video statement), Mali, Malta (video statement), Morocco (video statement), New Zealand (video statement), Niger, Nigeria (video statement), Oman (video statement), Paraguay, Peru (video statement), Qatar (video statement), Saudi Arabia (video statement), South Africa (video statement), Sri Lanka (video statement), Switzerland (video statement), Syrian Arab Republic (video statement), Timor-Leste, Tunisia (video statement), Turkey (video statement), United Arab Emirates (video statement), Viet Nam (video statement), Yemen (video statement), Holy See (video statement);

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Relief and Works Agency (video statement);

(d) Observer for the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta (video statement);

(e) Observers for non-governmental organizations: ADALAH – Legal Center for Arab Minority Rights in Israel, Al-Haq, Law in the Service of Man (also on behalf of Al Mezan Centre for Human Rights, the Asian Forum for Human Rights and Development, the Cairo Institute for Human Rights Studies, the Human Rights & Democratic Participation Center “SHAMS”, the International Federation for Human Rights Leagues, the Palestinian Centre for Human Rights, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) and the Women’s Centre for Legal Aid and Counseling), Amnesty International, Cairo Institute for Human Rights Studies (also on behalf of Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, Centro de Estudios Legales y Sociales (CELS) Asociación Civil, the Habitat International Coalition, the Human Rights & Democratic Participation Center “SHAMS”, the Palestinian Centre for Human Rights, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), the Women’s Centre for Legal Aid and Counseling and the Women’s International League for Peace and Freedom), Defence for Children International, European Union of Jewish Students, Human Rights Watch, Ingenieurs du Monde (also on behalf of United Nations

* Observer of the Human Rights Council speaking on behalf of Member and observer States.

Watch), Institute for NGO Research, International Association of Jewish Lawyers and Jurists, International Commission of Jurists, International Service for Human Rights (also on behalf of the Cairo Institute for Human Rights Studies and Centro de Estudios Legales y Sociales (CELS) Asociación Civil), Medical Aid for Palestinians (MAP), Norwegian Refugee Council, Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) (also on behalf of the Cairo Institute for Human Rights Studies, the Human Rights & Democratic Participation Center “SHAMS”, the Palestinian Centre for Human Rights and the Women’s Centre for Legal Aid and Counseling;), Women’s Centre for Legal Aid and Counseling, Women’s International League for Peace and Freedom (also on behalf of the Women’s Centre for Legal Aid and Counseling), World Jewish Congress.

G. Action on the draft proposal

22. At the 2nd meeting, on 27 May 2021, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation (with the exception of Cameroon and Togo, which had withdrawn their original co-sponsorship) introduced draft resolution A/HRC/S-30/L.1 as orally revised, sponsored by Pakistan on behalf of the Organization of Islamic Cooperation, with the exception of Cameroon and Togo. Subsequently, Namibia, South Africa and Venezuela (Bolivarian Republic of) joined the sponsors. Venezuela (Bolivarian Republic of) subsequently withdrew its co-sponsorship.

23. At the same meeting, the representatives of Israel (via video statement) and the State of Palestine made statements as the States concerned.

24. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution. The Chief of the Finance and Budget Section of Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement on the budgetary implications of the draft resolution as orally revised.

25. At the same meeting, the representatives of Austria, the Bahamas, Bulgaria, France, Germany, Mexico (video statement), the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) made statements in explanation of vote before the vote.

26. Also at the same meeting, at the request of the representative of Germany, a recorded vote was taken on the draft resolution as orally revised.

27. At the same meeting, the Human Rights Council adopted the draft resolution as orally revised by 24 votes to 9, with 14 abstentions (for the breakdown of voting results and the text of resolution S-30/1, see chapter I).

28. Also at the same meeting, the representative of the Netherlands made a statement in explanation of vote after the vote.

29. After adoption of the draft resolution, Timor-Leste and Venezuela (Bolivarian Republic of) joined the sponsors.

III. Report of the Human Rights Council on its thirtieth special session

30. At its 2nd meeting, on 27 May 2021, the Human Rights Council adopted the report on its thirtieth special session ad referendum and entrusted the Rapporteur with its finalization.

Annex

Documents issued for the thirtieth special session of the Human Rights Council

In the general series

- A/HRC/S-30/1 Letter dated 19 May 2021 from the Permanent Representative of Pakistan and the Permanent Observer of the State of Palestine to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
- A/HRC/S-30/2 Report of the Human Rights Council on its thirtieth special session

In the limited series

- A/HRC/S-30/L.1 Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel

In the Government series

- A/HRC/S-30/G/1 Letter dated 19 May 2021 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the President of the Human Rights Council

In the non-governmental series

- A/HRC/S-30/NGO/1 Written statement submitted by United Nations Watch, a non-governmental organization in special consultative status
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