



DIPLOMATIC BRIEFING – 13 MARCH 2019

“The Great Return March: One Year On”

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CONCLUSIONS AND RECOMMENDATIONS TO THE DIPLOMATIC COMMUNITY

Since 30 March 2018, Palestinians have demonstrated weekly by the fence surrounding the Gaza Strip, calling for an end to Israel’s unlawful closure and for the realisation of the right of Palestinian refugees to return, as mandated by international law. For nearly a year, the Israeli occupying forces have systematically suppressed the Great Return March, using lethal and excessive force, including live ammunition, against unarmed protesters, including children, persons with disabilities, journalists, and health workers. Within this context, the United Nations (UN) Human Rights Council adopted resolution S-28/1 during its 28th special session on 18 May 2018, deciding to “urgently dispatch an independent, international commission of inquiry... to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory... in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018”. As the UN Commission of Inquiry prepares to present its final written report to the Human Rights Council at its 40th session, Al-Haq and PCHR provide the following recommendations to the diplomatic community in the Occupied Palestinian Territory (OPT):

1. Ensure the protection of Palestinian protesters as they continue to exercise their right of peaceful assembly, including by calling on Israel not to use live fire against unarmed protesters, to release its rules of engagement, and to bring them in line with international humanitarian and international human rights law standards;
2. Support the draft resolution on accountability presented at the 40th session of the UN Human Rights Council to adopt and to ensure the effective follow-up and implementation of the UN Commission of Inquiry’s recommendations;
3. Ensure that Israel’s prolonged and unlawful closure and blockade of the Gaza Strip is brought to an end with immediate effect, by taking necessary measures to adopt the recommendations of the Commission of Inquiry at the UN Human Rights Council, and by presenting a uniting for peace resolution at the UN General Assembly;
4. Call on UN High Commissioner to publicly refer the dossier on perpetrators prepared by the UN Commission of Inquiry to the International Criminal Court (ICC), and support the opening of an ICC investigation and the ongoing work of the Office of the Prosecutor in her preliminary examination into the situation in Palestine since 13 June 2014;

DIPLOMATIC BRIEFING, 7 MARCH 2018 – YABOUS CULTURAL CENTER, JERUSALEM

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5. Pledge their support for cooperation with the ICC in relation to prosecuting or extraditing alleged perpetrators, including persons accused of committing suspected international crimes in the OPT in the context of the ongoing Great Return March;
6. Member States of the UN to support the healthcare system in the Gaza Strip particularly with the resources necessary to treat injuries incurred at the Great Return March protests, as recommended by the UN Commission of Inquiry;
7. Exert pressure on Israel to ensure timely access of medical and humanitarian workers to the Gaza Strip, including to provide treatment to those injured in the context of the Great Return March demonstrations and to ensure efficient coordination for the entry of medical items and equipment into the Gaza Strip;
8. Address the Great Return March within the context of its root causes, including the prolonged denial of rights of Palestinian refugees and the need to bring Israel's closure of the Gaza Strip and occupation of the OPT at large to an end, in fulfilment of the right of the Palestinian people to self-determination;
9. Abide by their obligations under the 1949 Geneva Conventions to activate universal jurisdiction mechanisms to provide effective penal sanctions, and investigate and prosecute persons responsible for planning and executing the suspected war crimes and crimes against humanity committed during the Great Return March, before their national courts;
10. Ensure effective remedies for all victims of Israel's violations and suspected crimes, including reparations and restitution, and ensure the provision of technical legal assistance for victims, including legal aid;
11. Cooperate to bring to an end Israel's 52-year occupation of the OPT and impose sanctions on Israel for its continued violations of international law;
12. Recommend that States seek a General Assembly resolution for an Advisory Opinion of the International Court of Justice on the nature of the illegality of the Israel's 52-year occupation of the Palestinian territory;
13. States parties, as High Contracting Parties to the Fourth Geneva Convention, seek a UN General Assembly resolution to request that Switzerland, as host State, initiate the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention, to address measures to enforce the Convention in the OPT, including East Jerusalem, and to ensure its respect in accordance with Common Article 1.

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