



Assembly
Item 2

A/121/2-P.5
13 October 2009

**CONSIDERATION OF POSSIBLE REQUESTS FOR THE
INCLUSION OF AN EMERGENCY ITEM IN THE ASSEMBLY AGENDA**

**Request for the inclusion of an emergency item
in the agenda of the 121st Assembly of the Inter-Parliamentary Union
submitted by the delegation of the Islamic Republic of Iran**

On 26 September 2009, the Secretary General received from the President of the Inter-Parliamentary Group of the Islamic Republic of Iran, a request for the inclusion in the agenda of the 121st Assembly of an emergency item. The title of this item, modified on 13 October, reads as follows:

"Parliamentary action to end the critical situation in the Occupied Palestinian Territory based on the Report of the UN Fact Finding Mission and with a view to prosecution of the perpetrators of war crimes in Gaza".

Delegates to the 121st Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 121st Assembly will be required to take a decision on the request of the delegation of the Islamic Republic of Iran, on Monday, 19 October 2009.

Under the terms of Assembly Rule 11.1, any Member of the Union may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL BY THE PRESIDENT
OF THE INTER-PARLIAMENTARY GROUP OF THE ISLAMIC REPUBLIC OF IRAN**

Tehran, 26 September 2009

Dear Mr. Secretary General,

The Inter-Parliamentary Group of Iran wishes to propose the inclusion of the following emergency item in the agenda of the 121st IPU Assembly, to be held in Geneva in October 2009:

"Parliamentary action to end the critical situation in the Occupied Palestinian Territory based on the Report of the UN Fact Finding Mission and with a view to prosecution of the perpetrators of war crimes in Gaza". *

Please find attached an explanatory memorandum and a draft resolution on the item. I would be grateful if you could circulate these documents to all the Member Parliaments.

Yours sincerely,

(signed)

Heshmatolla FALLAHATPISHEH
President of the Inter-Parliamentary Group
of the Islamic Republic of Iran

* Title modified on 13 October 2009.

**PARLIAMENTARY ACTION TO END THE CRITICAL SITUATION IN THE OCCUPIED
PALESTINIAN TERRITORY BASED ON THE REPORT OF THE UN FACT FINDING MISSION
AND WITH A VIEW TO PROSECUTION OF THE PERPTRATORS OF WAR CRIMES IN GAZA**

***Explanatory memorandum submitted by the Inter-Parliamentary Group
of the Islamic Republic of Iran***

The atrocities committed by the Israeli Occupying Power in Palestine, particularly in Gaza, have crossed all known boundaries of human rights, human dignity and respect for international law. Hundreds of innocent and defenceless people, mostly women and children, have fallen victim to Israeli State terrorism. The use of force by the Israeli Occupying Power against civilians has been aggravated by a blockade of humanitarian aid to the besieged people of Gaza. More than 1.5 million Palestinians in Gaza who have survived the latest brutal attacks of the Occupying Power are still suffering from a lack of food, medicine, electricity and other essential goods and services. These restrictions and shortages have led to the death of thousands of people, mostly women, children, the elderly and patients.

According to the recently published report of the United Nations Fact Finding Mission on the Gaza Conflict, civilians in Gaza, including women and children, were detained by Israeli forces during its recent unjustifiable military operations (27 December 2008 – 18 January 2009) in degrading conditions, deprived of food, water and access to sanitary facilities, and exposed to extreme weather conditions in January without any shelter. The detainees were handcuffed, blindfolded and repeatedly made to strip, sometimes naked, at different stages of their detention and subjected to other forms of physical abuse that amount to torture¹.

The world has been witnessing rising incidents of violence by armed Jewish settlers supported by the Israeli Occupying Power in the Occupied Palestinian Territory against Palestinian civilians and their properties and agricultural lands. The United Nations has been experiencing great difficulties with the Israeli authorities in getting educational materials such as paper and books into Gaza. The United Nations Relief and Works Agency (UNRWA) is still unable to get building materials into Gaza, which means that 60,000 structures, including schools, which were damaged or destroyed during the conflict earlier this year, remain in a state of disrepair². All of these brutal actions and treatment by the Israeli Occupying Power towards the Palestinian people clearly constitute a crime against humanity.

The settlement policies, decisions and activities of the Israeli Occupying Power, including inter alia the transfer of its nationals into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population, have been pursued and only serve to exacerbate an already bad situation in the Occupied Palestinian Territory.

¹ A/HRC/12/48 15 September 2009: Human rights in Palestine and other occupied Arab Territories, Report of the United Nations Fact Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone,

² <http://www.un.org/apps/news/story.asp?NewsID=32014&Cr=gaza&Cr1=>

Construction and expansion of settlements, alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including Jerusalem, are moving ahead at full speed, and the de facto annexation of land, the continuing unlawful construction of the separation wall inside the Occupied Palestinian Territory, including in and around Jerusalem, are all causing hardship and a serious decline in the socio-economic conditions of the Palestinian people, with detrimental impacts on the daily life of Palestinians, having severely crippled their economic system and disrupted their livelihood. All of these activities carried out by the Occupying Power in the Occupied Palestinian Territory clearly constitute a crime against humanity and a gross violation of human rights, a breach of international humanitarian law, a violation of relevant United Nations resolutions, and jeopardize international peace and security.

As the world organization of parliaments representing the will of people worldwide, the Inter-Parliamentary Union is expected to play its role in mobilizing the international community in support of Palestine. The 121st Assembly is expected to join in the call for bringing all activities by the Occupying Power in the Occupied Palestinian Territory to a halt and facilitating the provision of humanitarian assistance to Palestinians, especially those living in Gaza. Therefore, urgent action is needed to adopt measures to prevent the Occupying Power from further perpetrating crimes and expanding Jewish settlements in the Occupied Palestinian Territory, thereby allowing the mobilization of relief programmes which are vital to Palestinians in the Gaza Strip.

**PARLIAMENTARY ACTION TO END THE CRITICAL SITUATION IN THE OCCUPIED
PALESTINIAN TERRITORY BASED ON THE REPORT OF THE UN FACT FINDING MISSION
AND WITH A VIEW TO PROSECUTION OF THE PERPRATORS OF WAR CRIMES IN GAZA**

***Draft resolution submitted by the Inter-Parliamentary Group
of the ISLAMIC REPUBLIC OF IRAN***

The 121st Assembly of the Inter-Parliamentary Union,

- (1) *Guided* by the principles of the Charter of the United Nations and in view of the importance of the Palestinian issue to the international community, which is the root cause of the long-standing crisis in the Middle East, and *reaffirming* the inadmissibility of the acquisition of territory by force, the killing of innocent people, especially women and children, causing humanitarian hardship, the violation of human rights, the imposition of policies of repression and the disruption of humanitarian supplies to civilians,
- (2) *Considering* the Report of the United Nations Fact Finding Mission on the Gaza Conflict entitled "Human rights in Palestine and other occupied Arab Territories", contained in document A/HRC/12/48 of 15 September 2009,
- (3) *Aware* that settlement activities carried out by the Occupying Power, which involve inter alia the transfer of nationals of the Occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other actions against the Palestinian civilian population, are contrary to international law,
- (4) *Deploring* the continuation of settlement activities in the Occupied Palestinian Territory by the Occupying Power, which are in contravention of international law and relevant United Nations resolutions,
- (5) *Concerned* particularly about construction and expansion of settlements by the Occupying Power in and around occupied East Jerusalem,
- (6) *Expressing grave concern* at the fact that the continuing unlawful construction by the Occupying Power of the separation wall inside the Occupied Palestinian Territory, including in and around Jerusalem, is causing hardship and a serious decline in the socio-economic conditions of the Palestinian people, and is fragmenting the territorial contiguity of the Palestinian territory,
- (7) *Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice (ICJ) on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory³, and *noting* that the ICJ concluded that the Jewish settlements in the Occupied Palestinian Territory, including Jerusalem, had been established in breach of international law⁴,

³ See A/ES-10/273 and Corr.1; see also Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 136.

⁴ Refer to A/ES-10/273 and Corr.1, advisory opinion, Para. 120; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*.

(8) *Expressing grave concern* at the rising incidents of violence by armed Jewish settlers, supported by the Israeli Occupying Power, in the Occupied Palestinian Territory against Palestinian civilians and their properties and agricultural lands,

(9) *Deeply concerned* over the recent massive use of white phosphorous by the forces of the Occupying Power against civilians in Gaza, which is contrary to the law of armed conflict and in violation of the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction,

(10) *Firmly convinced* of the need for effective action to alleviate the suffering of the Palestinian people in Gaza,

1. *Expresses deep concern* over the repressive policies and assassination of Palestinian citizens in the Occupied Palestinian Territory, the incessant violation of human rights and deteriorating economic situation in Palestine, the unjust siege on the Gaza Strip and the disruption of the supply of food, fuel and medication intended for the population;
2. *Recalls* that it is prohibited under international law to impose policies of repression and to disrupt humanitarian supplies to civilians;
3. *Condemns*, in the strongest possible terms, the crimes and atrocities committed by the occupying forces in Palestine, in particular the recent war waged for 22 days against civilians, mostly women and children;
4. *Demands* that the Occupying Power respect the principles of international law in their treatment of the defenceless people of Palestine, in particular, by immediately removing all restrictions against the Palestinian people;
5. *Reminds* the Occupying Power that it must fulfil its international obligations under the 1949 Geneva Conventions and guarantee the free supply of food, medicine, fuel, water and other essential services such as electricity and sanitation to the Gaza Strip by immediately lifting the blockade;
6. *Calls on* the Occupying Power to allow unimpeded access to humanitarian assistance and aid and *insists* on the permanent reopening of all crossing points to the Gaza Strip and on the lifting of the blockade so as to allow the movement of goods and persons without any restrictions whatsoever;
7. *Urges* the international community to bring pressure to bear on the Occupying Power so that it immediately allows the flow of basic supplies and international humanitarian aid to the people living in Gaza;
8. *Urges* all parliaments to take the necessary steps to alleviate the suffering of Palestinians and to demand that their respective governments exert pressure on the power occupying Palestine in order to put an end to its acts of terror in Palestine, in particular in the Gaza Strip, taking into account the report of the UN Fact Finding Mission on the Gaza Conflict;

9. *Calls for* increased IPU cooperation, at the international and regional levels, to promote the implementation of this resolution and relevant UN resolutions on the situation in the Occupied Palestinian Territory;
10. *Urges* all parliaments to strongly encourage their governments to provide the necessary assistance to alleviate the suffering of the Palestinians living in Gaza who have been affected by the recent invasion of the Occupying Power;
11. *Reaffirms* that the Jewish settlements in the Palestinian territory, including East Jerusalem, are illegal and pose an obstacle to the economic and social development of the territory;
12. *Condemning* in the strongest possible terms the alteration, by the Occupying Power, of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem;
13. *Reiterates its demand*, as recalled by the relevant United Nations General Assembly and Security Council resolutions, for the immediate and complete cessation of all settlement activities by the Occupying Power in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Golan Heights in Syria;
14. *Reiterates its call* for the prevention of all acts of violence and harassment by Jewish settlers against Palestinian civilians and their properties and agricultural lands;
15. *Calls upon* the Occupying Power to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Jewish settlers, and *also calls for* measures to be taken to guarantee the safety and protection of Palestinian civilians in the occupied territory;
16. *Calls on* all States, parliaments and relevant international bodies to fulfil their legal international commitments in order to put an end to the culture of impunity in the world and also *demands* that all necessary measures be taken for the investigation of the recent crimes of the Occupying Power committed in Gaza as well as the prosecution of all perpetrators who were directly or indirectly involved in the war crimes in Gaza.