

TERMS OF REFERENCE

Independent International Fact-finding Mission on the Israeli Settlements in the Occupied Palestinian Territory including East Jerusalem

Mandate

1. By its resolution 19/17, the Human Rights Council decided to dispatch an Independent International Fact-finding Mission (hereinafter “Mission”):

“to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, with a mandate ending on submission of a report to the Council.”

2. In discharging its mandate, the Mission will be guided by the Charter of the United Nations, together with the four pillars of the modern international legal system (international human rights law, international humanitarian law, international criminal law and international refugee law).

Establishment of the Mission

3. The Mission is composed of three members, Christine Chanet (France), Asma Jahangir (Pakistan) and Unity Dow (Botswana), who have been appointed by the President of the Human Rights Council pursuant to its resolution 19/17 and on the basis of their expertise and experience in international law, particularly international human rights law and international humanitarian law, as well as their personal integrity, independence, impartiality and objectivity.

4. Christine Chanet has been appointed the Chairperson of the Mission.

Secretariat of the Mission

5. The Human Rights Council requested the Secretary-General and the High Commissioner to provide all administrative, technical and logistical assistance required to enable the Mission to fulfil its mandate promptly and efficiently.

6. Accordingly, the Mission is assisted by a Secretariat composed of necessary staff, including administrative, technical and logistical staff.

Cooperation

7. The Mission shall seek the cooperation from the Government of Israel and the Palestinian Authority, as well as any other State and other relevant entities, which should cooperate fully with the Mission. Such cooperation shall include complying with requests of the Mission for assistance in collecting required information and testimony. In particular, it shall include the following:

- (a) Freedom of movement of the Mission throughout the territory covered by the investigation (i.e., the Occupied Palestinian Territory, including East Jerusalem), in particular to restricted areas;
- (b) Freedom of inquiry, in particular as regards:
 - i. Access to all prisons, detention centres and places of interrogation;
 - ii. Contacts with central and local authorities of all branches of government, including military authorities;
 - iii. Contacts with representatives of non-governmental organizations, civil society, community leaders, other private institutions and the media;
 - iv. Confidential and unsupervised contact with witnesses and other private persons, including persons deprived of their liberty, considered necessary to fulfill the mandate; and
 - v. Full access to all sources of information, including documentary material and physical evidence relevant to the mandate.
- (c) Unhindered access for individuals, organizations and entities wishing to meet with the Mission;
- (d) Appropriate security arrangements for the personnel, documents, premises and other property of the Mission without, however, restricting the freedom of movement and inquiry as referred to above;
- (e) Protection of all those who are in contact with the Mission in connection with the investigation, including victims and witnesses; no such person shall, as a result of such appearance or information, suffer harassment, threats, acts of intimidation, ill-treatment, reprisals or any other prejudicial treatment;
- (f) Privileges, immunities and facilities necessary for the independent conduct of the investigation. In particular, members of the Mission and secretariat shall enjoy the privileges and immunities accorded to experts on missions and officials pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations.

8. The Mission may approach third Parties (State and non-State) with specific requests for cooperation in the collection of material or information relevant to the investigation.

Methods of Work

9. The Mission will take into account all available sources of information that it considers to be relevant and credible. This includes information emanating from Governments, inter-governmental organizations, international and national non-governmental organizations, national human rights institutions, academic community, the victims of alleged human rights abuses, relatives of victims, witnesses and media. Where feasible and appropriate, the Mission will endeavour to consult and meet with such sources, and to cross-check information received to the best extent possible.

10. The Mission will undertake field visit(s) to obtain direct and first-hand information relevant to the discharge of its mandate. Field visit(s) allow for direct observation of the situation and facilitate dialogue with relevant State authorities, including those in the executive, legislative and judicial branches. They also allow for contact with and information gathering from victims, relatives of victims, witnesses, national human rights institutions, international and local non-governmental organizations, the academic community and other members of civil society, and officials of international agencies.

11. The Mission will issue a call for written submissions in order to provide an opportunity to any interested person or group to address the Mission, and to enhance the transparency of and strengthen the confidence in the investigation.

12. The Mission will also be guided in its activities by the principles of do no harm, independence, impartiality, objectivity, discretion, transparency, confidentiality, integrity and professionalism.

13. The Mission will take all feasible precautions to ensure that sources of information are not subjected to harassment, threats or any other form of intimidation or retaliation. The relevant State(s) is obliged to ensure the protection of any person or group who cooperates with the Mission from harassment, threats or any other form of intimidation or retaliation. The Mission shall invite any individual and/or group who have provided information and have suffered any form of reprisals or retaliation as a result to report all such incidents to the Mission so that appropriate follow-up action can be taken.

Reporting

14. The Mission is expected to report to the Human Rights Council at its 22nd session (March 2013).