



General Assembly

Distr.: General
11 October 2010

Original: English

Human Rights Council

Fifteenth session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

Report of the United Nations High Commissioner for Human Rights on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

Addendum

Advice of the Office of Legal Counsel on the establishment of an escrow fund pursuant to Human Rights Council resolution 13/9*

In accordance with paragraph 8 of Human Rights Council resolution 13/9, the United Nations High Commissioner for Human Rights requested guidance from the Controller of the United Nations on the modalities for the establishment of an escrow fund, including its appropriate custodian. The response received from the Controller identified a range of considerations and questions, which were referred to the Office of Legal Affairs. A summary of the counsel received on 28 August 2010 from the Office of Legal Affairs is provided below.

* Late submission.

Advice of the Office of Legal Counsel on the establishment of an escrow fund pursuant to Human Rights Council resolution 13/9

1. In response to the request of the United Nations High Commissioner for Human Rights for advice with regard to the establishment of an escrow fund, the Office of Legal Affairs identified a number of decisions that would need to be taken by a competent organ of the United Nations (for example the General Assembly) if the decision were to be made to follow the recommendation made in the Goldstone report.¹ These would include (a) a decision to establish the escrow fund; (b) a decision on the source(s) of funding for the fund; (c) a decision to establish a body to administer the fund; (d) a decision on the extent to which the body would rely on the investigations carried out by the Government of Israel and the Palestinian authorities in order to determine the factual basis of a claim for compensation from the fund; and (e) a decision to establish a secretariat of the body administering the fund.

2. The Office of Legal Affairs furthermore identified a set of ancillary decisions that would also need to be taken, including decisions on the identification of persons eligible to receive compensation from the fund; the particular types of loss for which compensation might be paid from the fund; the process for the submission of claims for compensation; a timetable for the submission of claims; and a target date for the completion of claims processing.

¹ A/HRC/12/48.