



DIVISION FOR
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I. SECRETARY-GENERAL CALLS FOR RECONCILIATION AMONG PALESTINIANS

The following is a near-verbatim transcript of the 4 August 2008 press briefing by the spokesperson for the Secretary-General:

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Spokesperson: The Secretary-General deplores the violence that took place in Gaza. Eleven people have died and over 100 were injured and this also brought a wave of arrests and detentions. The Secretary-General calls for dialogue and

reconciliation among all Palestinians, and reiterates his support for President [Mahmoud] Abbas' initiative for progress towards the goal of reunification of the Gaza Strip and West Bank, within the framework of the legitimate Palestinian Authority.

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II. SENIOR UNITED NATIONS OFFICIALS PAY TRIBUTE TO THE LATE PALESTINIAN POET MAHMOUD DARWISH

On 12 August 2008, United Nations Educational Scientific and Cultural Organization (UNESCO) Director-General Koïchiro Matsuura issued a statement honouring the late Palestinian poet Mahmoud Darwish (UNESCO press release 2008-68). On 13 August 2008, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Karen AbuZayd sent her condolences to the Palestinian people.

Statement by UNESCO Director-General Koïchiro Matsuura

UNESCO Director-General Koïchiro Matsuura today expressed his sorrow over the death of renowned Palestinian poet Mahmoud Darwish, who died on 9 August, at the Memorial Hermann Medical Centre in Houston, Texas, USA.

Mahmoud Darwish was widely recognized as a poet of universal significance who gave voice to the Palestinian people from his exile until 1996 and then from Ramallah, the city he had chosen to live in. In his verses, he evoked his land through metaphors and collective memories and called for a peaceful and equitable co-existence.

“There will be no real peace in the Middle East until the dove of peace, flying with justice on one wing and freedom on the other, reaches the land of the olive branch, the land of the Prophets and the land of peace”, Darwish concluded his speech at the twenty-sixth session of the UNESCO General Conference in 1991, in his capacity of Head of the Palestinian Delegation to the General Conference.

Mahmoud Darwish received numerous literary awards, including the prestigious Prince Claus Award in 2004 and the Lannan Foundation Prize for Cultural Freedom in 2001.

Considered as one of the Arab world's most renowned contemporary poets, Darwish had published more than 30 collections of poetry and prose, and his work has been translated into 35 languages. He was the founding editor of the highly regarded literary review *Al Karmel* which fosters intercultural debate on intellectual issues and links Arab writers with the international literary community.

Over the past years, Mahmoud Darwish has been associated with many cultural events hosted by UNESCO at its Headquarters and in the Arab region, in particular for celebrations of the International Day of Solidarity with the Palestinian People.

Statement by the Commissioner-General of UNRWA, Karen AbuZayd, on the death of Mahmoud Darwish

With the passing of Mahmoud Darwish, the world has lost a uniquely compelling voice and a passionate advocate against dispossession and the pain it

engenders. He was the poet of exile, the refugees' poet whose universal language of dislocation and alienation will be heard in the discourse - political and poetic - for many years to come.

We at UNRWA mourn this loss together with all Palestinian people. Indeed, we chose to name our exhibition to mark the sixtieth anniversary of the Nakba with the words of one of his most celebrated poems. We recognized, as must all people advocating for refugee populations, the profound truths that lie buried in its subtext: the need to recognize the narrative of the other, the transforming power of simple acknowledgement and the lasting good that flows when two historical currents come together, however painful that confluence might be.

We called that exhibition, "I Come From There ... and Remember". It is with the words of that poem that we at UNRWA would like to pay tribute and give thanks for a life that transformed ours.

III. UNITED NATIONS SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES ISSUES REPORT

On 13 August 2008, Secretary-General Ban Ki-moon transmitted to members of the General Assembly the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/63/273) which was submitted pursuant to General Assembly resolution 62/106. The conclusions and recommendations of the report are reproduced below:

A. Conclusions

114. The Special Committee has noted once again the serious deterioration of the human rights situation in the Occupied

Palestinian Territory and in the occupied Syrian Golan, all of which arises from the Israeli occupation. The Committee has noted the despondency of the population of those areas regarding the situation of human rights.

115. Palestinians have continued to suffer as a result of various types of violations of their basic human rights. They have suffered from various types of Israeli military action that has resulted in considerable loss of life and injuries, and damage to property and infrastructure. They have been subjected to collective punishment and have seen their rights violated with an ever decreasing possibility to seek effective redress. The construction of the separation wall has continued in defiance of the advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory rendered in July 2004 by the International Court of Justice, and the establishment of the Register of Damages Caused by the Construction of the Wall in the Occupied Palestinian Territory has been a lengthy and, considered by many, a disappointing process owing to its lack of presence in the Occupied Palestinian Territory and narrow mandate. Settlements and bypass roads have continued to expand and restrictions on the right to freedom of movement have further intensified, severely affecting the enjoyment of virtually all human rights of the Palestinian population, and further fragmenting the Occupied Palestinian Territory into disconnected “cantons” or “Bantustans”. The situation in the Gaza Strip is particularly serious, and, despite the hope resulting from the 19 June ceasefire, the facts on the ground will determine whether the population can benefit from any real relief. The human rights and welfare of children, a very vulnerable group that makes up half of the population of Gaza, is of utmost concern.

116. In addition to the damages arising from the construction of the separation wall, the Special Committee remains of the view that Israel should, in accordance with the

principles of international law, grant compensation for damage in the Occupied Palestinian Territory resulting from all other aspects of the occupation that have affected all facets of Palestinian lives.

117. Although most Palestinians were not very hopeful about the possibility for improvement in the situation of human rights, some voiced hope that the international community would break its silence and act more resolutely to urge Israel to respect international law and comply with its legal obligations both under the international human rights instruments to which it is a party and, as the occupying Power, international humanitarian law, in particular the Fourth Geneva Convention. A number of interlocutors urged the Special Committee to do more to make their plight known to the world and elicit action by those who have the real power to make a difference.

118. The Special Committee also noted that the shift from development to humanitarian assistance has increased even further. The deterioration of the human rights situation can be largely attributable to Israeli practices. Israel and the international community, as Member States of the United Nations and as States parties to core international human rights treaties, have an obligation to ensure the realization of the human rights of the Palestinian people, including the population of Gaza, not as a matter of humanitarian charity, but as a matter of Palestinian rights and corresponding obligations by all concerned.

B. Recommendations

119. The Special Committee wishes to reiterate some of the recommendations made in its previous report (A/62/360) as follows:

(a) The General Assembly should:

(i) Urgently consider all means at its disposal to fulfill its responsibilities regarding all aspects of the question of Palestine until it is resolved in conformity with relevant United Nations resolutions and the norms of international law and until the inalienable rights of the Palestinian people are fully realized, and to this end provide the Special Committee with a renewed mandate in line with current realities and taking into account the hopes and aspirations of those living in occupied territories;

(ii) Urge the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the separation wall in the Occupied Palestinian Territory, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from the construction of the wall;

(iii) Urge the Security Council to consider sanctions against Israel if it persists in paying no attention to its international legal obligations;

(iv) Ensure that other States are not taking actions that assist in any way the construction of the separation wall in the Occupied Palestinian Territory, either directly or indirectly, and that bilateral agreements between Israel and other States do not violate their respective obligations under international law;

(v) Encourage the members of the Quartet to fully implement the road map in such a way as to achieve a comprehensive, just and lasting settlement of the conflict, on the basis of relevant United Nations resolutions, including Security Council resolutions, and international humanitarian and human rights law;

(vi) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure respect for the Convention by Israel; a meeting of the High Contracting Parties to that effect should be convened urgently;

(b) The Government of Israel should:

(i) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(ii) Ensure respect for international law and the principle of appropriate use of means and methods of warfare, and cease its policies of excessive use of force and extrajudicial killings of Palestinians, and the destruction of land, civilian and public property, houses and infrastructure;

(iii) Stop its policy of confiscating Palestinian land, which affects the territorial integrity of the future Palestinian State, and of expanding Jewish settlements in the Occupied Palestinian Territory, which are contrary to international law and which threaten the contiguity of Palestinian lands, and ensure that Israeli forces protect

Palestinian civilians and their property against violence by Israeli settlers by instructing them to arrest settlers who commit violent acts against Palestinians or their property, by carrying out prompt and thorough investigations of complaints of settler violence and by bringing to justice those responsible;

(iv) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting closures, checkpoints, roadblocks and other obstacles to movement and stop building roads accessible only to Israeli settlers and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(v) End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis and suffering of the people of Gaza and deprivation of all their rights;

(vi) Stop building the separation wall in the Occupied Palestinian Territory, which hampers the achievement of a just and sustainable peace between Israel and the future Palestinian State, and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;

(vii) Stop carrying out mass arrests and arbitrary detention and imposing humiliating and cruel treatment on Palestinians and other Arabs detained in Israeli jails; guarantee those arrested a fair trial and detention conditions that are in keeping with the International Covenant on Civil and Political Rights, the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Fourth Geneva Convention;

(viii) Urgently implement its obligations set forth in the road map and withdraw its military presence in the Occupied Palestinian Territory and its occupation of the Syrian Golan;

(ix) Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms. Implement also the recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict regarding Israeli occupation and acts;

(x) Implement the recommendations of the High Commissioner for Human Rights to the Human Rights Council;

(xi) Establish an independent and transparent system of accountability, which ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy.

(c) The Palestinian Authority should:

(i) Abide by the relevant provisions of human rights law and international humanitarian law;

(ii) Aim to resolve the urgent human rights and humanitarian crisis currently facing the Occupied Palestinian Territory, and to fully restore the rule of law in areas under its control;

(iii) Comply with the requirements of the road map as laid out by the Quartet.

120. The Special Committee urges concerned civil society groups and diplomatic, academic and research institutions to use their goodwill and influence to make widely known, by all available means, the current serious human rights and humanitarian situation in which Palestinians find themselves, as well as the human rights situation in the occupied Syrian Golan. The Special Committee commends and encourages the efforts of Israeli non-governmental organizations made on behalf of Palestinian human rights, and considers that the work of these organizations should receive better recognition from Israeli civil society and relevant Israeli institutions.

121. All Governments concerned are urged to comply fully with article 1 of the Fourth Geneva Convention and with the international obligations outlined in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15.

122. The Special Committee strongly encourages international and national media to provide broad and accurate coverage of the current human rights and humanitarian situation in the Occupied Palestinian Territory, including substantive analyses of the situation and its causes, with a view to mobilizing international public opinion in favour of a just and lasting settlement of the conflict.

IV. UNDER-SECRETARY-GENERAL FOR POLITICAL AFFAIRS BRIEFS SECURITY COUNCIL

On 20 August 2008, Lynn Pascoe, Under-Secretary-General for Political Affairs briefed the Security Council on the situation in the Middle East, including the Palestinian question (S/PV.5963). The following are excerpts of his briefing:

This reporting period has seen a number of significant developments in the region. On 30 July, Prime Minister Olmert announced that he will be stepping down as Prime Minister. Mr. Olmert is expected to remain in office until either a new government is formed by the new party leader or after general elections are held.

Despite that development, the Israeli-Palestinian negotiations continue, as do the indirect talks with Syria. There was a rise of internal Palestinian violence as Hamas took action to consolidate its hold over the Gaza Strip. The fragile ceasefire between Hamas and Israel continues to hold, but the situation on the ground in the West

Bank and East Jerusalem remains a cause for concern.

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During this reporting period, there was a major increase in Palestinian internal violence, contributing to an overall total of 43 Palestinians killed and 366 injured. One Israeli soldier died of injuries sustained on 11 July in East Jerusalem, and nine Israelis were reported injured.

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Following the 25 July bombing, Hamas initiated a well-orchestrated

campaign for total control of the Gaza Strip. Hamas forces raided over 200 community-based organizations in Gaza and closed them down.

...

In reaction to Hamas' actions in Gaza, Palestinian security forces in the West Bank arrested dozens of Hamas activists, most of whom were later freed on the orders of President Abbas. Palestinian Authority security forces closed a number of Hamas-linked institutions in the West Bank.

...

The Egyptian-mediated ceasefire that began on 19 June has largely held but remains fragile. Ten rockets and one mortar were fired from Gaza into Israel, without causing casualties. During this reporting period, no Israel Defense Forces (IDF) air strikes or incursions were reported, although one Palestinian child was injured by IDF shooting near the border. Twelve other Palestinians were killed and 34 were injured due to the collapse of tunnels along the Gaza-Egypt border. Over 25 tunnels were closed as a result of Egyptian efforts against smuggling.

Talks for the release of Israeli captive Gilad Shalit are stalled. The International Committee of the Red Cross has still not been provided with access to him after two years in captivity. We welcome Israel's decision on 17 August to release approximately 200 Palestinian prisoners as a goodwill gesture to President Abbas.

In the West Bank, three Palestinians, including two children, were killed, and 185, including 47 children, were injured during

the reporting period. Both children that were killed were shot by the IDF using live ammunition against Palestinian demonstrators at Naalin village. There has also been a rise in settler violence during the reporting period, including at least 34 settler attacks on Palestinians, resulting in 35 injuries, including nine children, and extensive property damage, including an attempt to set fire to the Ar-Ras mosque in Hebron on 13 August.

Settlement activity continues across the West Bank, and particularly in East Jerusalem. On 24 July, approval was given for 20 permanent housing units at Maskiyot in the West Bank, outside the footprint of any existing settlement. We are also concerned at reports that the trailers of the Migron settlement outpost are to be evacuated in exchange for the construction of permanent residential units in other nearby settlements. Also in this reporting period, tenders were announced for over 400 new settlement units in East Jerusalem. The Secretary-General has repeatedly stated that all settlement activity in the occupied Palestinian territory, including East Jerusalem, is contrary to the Fourth Geneva Convention and Israel's commitments under the Road Map and the Annapolis process.

On 10 August, two major checkpoints in the West Bank were partially reopened for Palestinian traffic, leading to significant improvements in access to those areas. However, the overall number of closures during the reporting period remains unchanged at 608, as some previously removed obstacles were reinstalled. The weekly average of flying checkpoints stood at 80. Construction of the barrier around East Jerusalem and within the West Bank continues, in deviation from the Green Line and contrary to the advisory opinion of the International Court of Justice.

The Palestinian Authority faces a budget shortfall of approximately \$400 million from October to the end of the year, meaning that Palestinian Authority salaries may not be paid from the end of September. We urge, again, donors to fulfill outstanding pledges and direct external assistance to budget support. The fiscal performance of the Palestinian Authority has continuously improved and measures have been taken to strengthen the line ministries' capacity for preparing the 2009 budget and a medium-term expenditure framework for 2009-2011.

The implementation of Quartet Representative Tony Blair's May 2008 package advanced during the reporting period. Selected obstacles to movement have been eased, and on 28 July a telecommunications contract was signed between the Government of Israel and the Palestinian Authority, enabling a second mobile phone operator to launch in the occupied Palestinian territory.

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While the number of trucks entering Gaza during this reporting period increased by over 75 per cent compared to the previous period, it represented only 54 per cent of that in May 2007. Most basic commodities, from school stationery to mechanical spare parts to bedding, remain in short supply. Forty-two per cent of the imports were gravel, while the import of necessary complementary building materials, such as cement, steel bars and

flooring materials, et cetera, remained low. Ninety-five per cent of Gaza's local industry remains closed.

There is a severe lack of fuel in the Gaza Strip, which has an impact on agriculture, as farmers are unable to run water pumps for irrigation. A lack of both fuel and spare parts means that approximately 84,000 litres of raw and partially treated sewage continue to be dumped into the Mediterranean Sea every day. Power cuts continue to occur for at least four to five hours a day across Gaza.

Normal economic and daily life is extremely difficult throughout Gaza, due to petrol shortages and the corresponding lack of transportation. The benefits of the ceasefire have not yet translated into any significant improvement in the living conditions of the people of Gaza.

Further to the Secretary-General's discussions with Prime Minister Olmert in Paris last month concerning stalled United Nations projects in Gaza, the Israeli authorities are positively considering the import of additional quantities of construction materials for United Nations priority projects focusing on housing, school construction and water sanitation. We welcome movement in this regard and hope for the early resumption of all suspended United Nations projects in Gaza.

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V. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES WELCOMES LANDING OF RELIEF VESSELS IN GAZA

On 25 August 2008, Special Rapporteur on the Situation of Human Rights in the Palestinian Territories occupied since 1967 Richard Falk welcomed the landing of relief boats in the Gaza Strip (Office of the United Nations High Commissioner for Human Rights Press release HR/08/097):

The landing of two wooden boats carrying 46 human rights activists in Gaza this past weekend is an important symbolic victory, says Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories. This non-violent initiative of the Free Gaza Movement focused attention around the world on the stark reality that the 1.5 million residents of Gaza have endured a punitive siege for more than a year. This siege is a form of collective punishment that constitutes a massive violation of Article 33 of the Fourth Geneva Convention.

The siege, the coastal blockade, and the overflights by Israeli aircraft all bear witness to the fact that despite Israel's claimed 'disengagement' in 2005, these realities on the ground establish that Gaza remains under Israeli occupation, and as a result Israel remains legally responsible for protecting the human rights of its civilian population. By severely restricting the entry of food, fuel, and medicine the economic and social rights of the people of Gaza have been systematically violated. There is widespread deafness among the people of Gaza that is blamed on the frequent sonic booms produced by overflying Israeli military aircraft. For this reason the peace boats brought 200 hearing aids to Gaza, added Falk.

I strongly urge the international community to take action to uphold human rights in the Gaza Strip. As with other humanitarian catastrophes in the world, here is a situation where the 'responsibility to protect' norm endorsed by the Security Council seems applicable, but has been ignored despite the overwhelming evidence of deteriorating mental and physical health in Gaza that has reached crisis proportions. With a cease-fire in effect since June 19, perhaps the willingness of Israel to allow these boats to land without interference signals a subtle change of approach by Tel Aviv that includes a show of greater respect for international humanitarian law and for the standards of international human rights, the Special Rapporteur said.

Mr. Falk also called on the Government of Israel to grant exit permits to several Palestinian winners of a Fulbright Scholarship to study in the United States who might be taken back to Cyprus on the return voyage of the peace boats. If they are permitted by Israel to reach their destination without interference this will be a further sign of progress. Above all, what is being tested is whether the imaginative engagement of dedicated private citizens can influence the struggle of a beleaguered people for basic human rights, and whether their courage and commitment can awaken the conscience of humanity to an unfolding tragedy.