



DIVISION FOR PALESTINIAN RIGHTS

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Bulletin

**on action by the United Nations system and
intergovernmental organizations
relevant to the question of Palestine**

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on the Question of Palestine (UNISPAL) on the Internet at:
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I. PALESTINIAN RIGHTS COMMITTEE ADOPTS ANNUAL REPORT TO GENERAL ASSEMBLY

At its 318th meeting on 4 October 2009, the Committee on the Exercise of the Inalienable Rights of the Palestinian People adopted its annual report to the General Assembly. The conclusions and recommendations contained in the report are covered in the excerpts below (A/64/35):

Throughout the reporting period, the Committee has repeatedly expressed its utmost concern about the ever-deteriorating situation in the Occupied Palestinian Territory, including East Jerusalem, and the breakdown of the political process. It condemned the military offensive of the Israeli military in the Gaza Strip in December 2008 and January 2009. It also denounced the firing of rockets and mortar rounds from Gaza by Palestinian militants. The Committee has been dismayed by the continued blockade of the Gaza Strip by Israel, which prevents any reconstruction and sustained humanitarian assistance and which has caused the near collapse of the economy and social fabric of Gaza. The Committee remains firmly opposed to the continued illegal construction of settlements in the West Bank, including in East Jerusalem. It has been particularly alarmed by the situation in Occupied East Jerusalem, the demolition of houses, the eviction of Palestinian citizens, settler extremism and the threats to Jerusalem's holy sites and historical heritage.

The Committee has been deeply alarmed about the military invasion of Gaza by Israel, which was accompanied by callous disregard for civilian lives. After causing thousands of casualties among the civilian population and the massive destruction of Palestinian homes, property and infrastructure, Israel continued its suffocating blockade of the Gaza Strip. The Committee calls for the immediate lifting of

the blockade. It reminds Israel that, under the Fourth Geneva Convention, the occupying Power is obliged to protect the civilian population under its occupation and to act within the ambit of international law. The Committee appeals to all the High Contracting Parties to the Fourth Geneva Convention to fulfil their obligations in accordance with common Article 1, which obligates them to respect and to ensure respect for the Convention in all circumstances. The Committee is of the view that respect for the Geneva Conventions, 60 years after their entry into force, is often deficient, resulting in devastating consequences for the civilian victims of hostilities. The international community might consider strengthening respect for international humanitarian law by creating appropriate mechanisms to monitor adherence. The Committee recommends that the High Contracting Parties, individually or collectively, take the measures they deem appropriate to ensure respect for the Convention, including through the convening of a conference of the High Contracting Parties to address the subject of respect, including ensuring respect for the Convention in all circumstances. The Committee will remain seized of the issue and is ready to work with Governments, intergovernmental organizations, parliamentarians, civil society and the media with a view to promoting a better understanding of the importance of the issue as it relates to the question of Palestine.

The Committee took note that various investigations into the warfare in Gaza had concluded that serious violations of international humanitarian law, and possibly war crimes, had been committed. The Committee commended the investigating missions and convened a special international meeting to study their findings. At the same time, the Committee was disquieted by an almost complete denial by Israel of breaking the rules governing the conduct of war and deplored the lack of cooperation by Israel with some of the commissions. The investigations asserted that the use of illegal weapons and excessive force disproportionate to any threat that may have been faced by the Israeli army in densely populated areas. The Committee is of the view that the perpetrators of serious crimes on either side have to be brought to justice and held accountable for their actions. The recommendations contained in various reports must be implemented. The Committee urges intergovernmental organizations to respect their own guidelines on promoting compliance with international humanitarian and human rights law. It also recommends that, in their national legislation, parliamentarians incorporate laws allowing for the prosecution of serious violations of international humanitarian law and that interparliamentary organizations promote the acceptance of universal standards in that regard.

The Committee is seriously concerned over the ongoing settlement activity of Israel. It reiterates that the presence of settlements in the Occupied Palestinian Territory, including East Jerusalem, is illegal under international law. It calls upon Israel to immediately cease settlement activity, including construction related to so-called natural growth, and to dismantle settlement outposts. The Committee welcomes the fact that the international community has

remained focused on the damaging effects of the settlement policies of Israel with regard to the achievement of a two-State solution and calls for serious action to be taken in that regard.

The Committee is also greatly disturbed by the accelerated creation of *faits accomplis* in East Jerusalem, including recent policy statements and illegal unilateral measures by the Government of Israel. It reiterates that East Jerusalem is part of the Occupied Palestinian Territory and that a negotiated solution of the question of Jerusalem, based on international law, is absolutely essential for resolving the Israeli-Palestinian conflict and crucial for attaining durable peace in the whole region. The Committee found that these concerns were widely shared by Governments, intergovernmental and civil society organizations, as well as by parliamentarians.

The Committee denounces the continued construction of the separation wall in the Occupied Palestinian Territory, including East Jerusalem. Five years after the International Court of Justice issued its landmark 9 July 2004 advisory opinion confirming the illegality of the construction of the wall on Palestinian land, the ruling has remained unheeded. The Committee emphasizes that, based on that advisory opinion, the wall cannot be viewed by Israel, or any other Government, as a permanent political boundary predetermining the outcome of the permanent status negotiations. The Committee recommends that the international community take more determined action in challenging the presence of the wall in the Occupied Palestinian Territory. The international community should also demand the removal of the hundreds of checkpoints and other obstacles stifling economic life in the West Bank and East Jerusalem.

The Committee notes that, as a result of these detrimental developments and the continuing occupation by Israel, no progress had been achieved in the realization of the inalienable rights of the Palestinian people. Self-determination, independence and sovereignty have remained elusive for the Palestinian people, as has the right of return, on the basis of General Assembly resolution 194 (III), for the more than 4.6 million Palestinian refugees. The Committee fully supports the international consensus that the only viable solution to the conflict and the exercise by the Palestinian people of their inalienable rights is the creation of a Palestinian State in the territory occupied by Israel in 1967, living side by side with Israel in peace and security.

To that end, the Committee calls for the resumption of the permanent status negotiations between Israel and the Palestinians. This would require a genuine commitment of the Government of Israel to a two-State solution, buttressed by tangible improvements in the situation on the ground, first and foremost, by stopping all settlement activities. Continued support by the international community is crucial for moving forward the Israeli-Palestinian negotiations on all core issues. The Committee, therefore, will support all peace initiatives that have, as their main objective, the realization of a two-State solution.

Concerned that the divisions among the Palestinian factions profoundly affect the legitimate Palestinian national interests and aspirations for statehood and peace, the Committee calls for invigorated efforts by all to help reconcile their positions on the basis of the prevailing consensus on the need to achieve a two-State solution, which would lead to the exercise by the Palestinian people of their inalienable rights.

The Committee and the Division for Palestinian Rights will continue, through their mandated activities, to contribute to a comprehensive, just and lasting solution of the question of Palestine, in accordance with international law and relevant United Nations resolutions. They will further generate international support for the inalienable rights of the Palestinian people and a peaceful settlement of the conflict. In this connection, the Committee emphasizes the useful and constructive contribution of the Division in support of its mandate aimed at enabling the Palestinian people to exercise their inalienable rights. It notes with satisfaction: (a) the level of dialogue, engagement and support of the international community for the Division's programme objectives, for instance, in terms of both participation at the meetings convened and the use of printed and electronic information materials furnished by the Division; (b) the continued involvement of civil society organizations in support of the efforts of the Committee and the United Nations towards a comprehensive, just and lasting settlement of the question of Palestine; and (c) the increased international awareness of the United Nations policies and activities on the question of Palestine, as indicated by the growing number of documents and relevant information materials on the issue accessed by users worldwide from the websites maintained by the Division. The Committee also considers that over the years the annual training programme carried out by the Division for staff of the Palestinian Authority has proven its usefulness, as it directly contributes to Palestinian capacity-building efforts. The Committee strongly recommends that this important mandated activity be continued and, where possible, enhanced.

The Committee considers that its programme of international meetings and conferences implemented by the Division contributes to focusing the attention of Governments, intergovernmental and civil society organizations and the public on the urgency of bringing about a two-State solution and mobilizing assistance for the Palestinian people. Through its programme of international meetings for 2010, the Committee intends to continue to generate wide support for a peaceful solution of the conflict, based on international law and relevant United Nations resolutions. In cooperation with partners in interparliamentary organizations, and given the importance of the issue of Jerusalem to the overall efforts to resolve the question of Palestine, the Committee will convene an international meeting on the question of Jerusalem. It will continue to engage Governments, parliamentarians and civil society to mobilize support for a just solution of the conflict. It will reach out, with the assistance of the United Nations entities on the ground, to the people most affected by the status quo, namely refugees and Palestinians living under occupation, as well as to members of the Israeli public, to involve them in the search for solutions, to promote dialogue and common projects and to win their backing for a settlement negotiated by their leaders and supported by the international community. The Committee wishes to contribute to efforts towards ending incitement on both sides, provide a venue for the narratives to be heard and reconciled and, with the help of civil society, to promote peace education on the ground. It will pay particular attention to the empowerment of women and their organizations in this process.

The Committee commends civil society organizations for their support of the

Palestinian people. It lauds the courageous advocacy actions of numerous activists, including parliamentarians, who participate in demonstrations against the wall, provide assistance to Gaza and keep their home constituencies informed about the harsh realities of life under occupation. The Committee and civil society have different roles which, through cooperation, are complementing each other. The Committee encourages civil society partners to work with their national Governments and other institutions with a view to gaining their full support for the work of the United Nations, including that of the Committee, on the question of Palestine. It will continue to assess its programme of cooperation with civil society organizations and consult them on ways to enhance their contribution. The Committee appreciates the support it receives from the Secretariat in strengthening cooperation with civil society.

The Committee looks forward to further developing its cooperation with parliamentarians and their umbrella organizations. Parliamentarians have a special responsibility to ensure that their Governments actively promote and support the realization of a two-State solution and ensure respect for international law in accordance with their international obligations.

The Committee requests the Division to continue its substantive and secretariat support; the programme of research, monitoring and publications and other informational activities, such as the further expansion and development of UNISPAL, including the graphic enhancement of the "Question of Palestine" website; the annual training programme for staff of the Palestinian Authority; and the annual observance of the International Day of Solidarity with the Palestinian People.

The Committee is of the view that the special information programme on the question of Palestine of the Department of Public Information has made an important contribution to informing the media and public opinion of the relevant issues. The Committee requests the continuation of the programme, with the necessary flexibility, as warranted by developments relevant to the question of Palestine.

Wishing to make its contribution to the achievement of a comprehensive, just and lasting settlement of the question of Palestine, and in view of the many difficulties facing the Palestinian people and besetting the peace process, the Committee calls upon all States to join it in this endeavour and to extend their cooperation and support to the Committee, and invites the General Assembly again to recognize the importance of its role and to reconfirm its mandate.

II. PALESTINIAN RIGHTS COMMITTEE VOICES ALARM OVER DEVELOPMENTS IN EAST JERUSALEM

On 5 October 2009, the bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People voiced alarm over the situation in occupied East Jerusalem (GA/PAL/1137).

Further to the statement of 19 May 2009, by the Committee on the Exercise of the Inalienable Rights of the Palestinian People expressing concern about illegal and provocative Israeli policies and measures in occupied East Jerusalem, the bureau of the Committee is once again compelled to voice its alarm about recent developments in the city.

The situation in East Jerusalem is deeply disturbing. The Israeli authorities continue to expand illegal settlements in and around East Jerusalem, as well as take discriminatory measures against the city's Palestinian residents. On 2 August 2009, following a decision by the Israeli High Court of Justice, Israeli security forces had forcibly evicted nine Palestinian families — 53 refugees registered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), including 20 children — from their homes

in the Sheikh Jarrah neighbourhood of East Jerusalem. Their property was handed over to a settler organization.

Moreover, on 7 September 2009, Defense Minister Ehud Barak approved the construction of 455 new settlement units. On the same day, the Israel Land Administration published tenders for the construction of 486 units in the “Pisgat Ze’ev” settlement. There are also plans to build 14,000 housing units in the area of the Palestinian village of Al-Walaja, in southwest Jerusalem, which would become the largest settlement project in the vicinity of East Jerusalem since the construction of the “Pisgat Ze’ev”, “Gilo” and “Har Homa” settlements.

Most recently, the violent incidents at the Al-Haram Al-Sharif compound demonstrate how tense and explosive the situation in the city is. Any illegal or

provocative actions, in particular at or near the city's holy sites, are prone to escalate into large-scale violence with far-reaching implications.

The bureau of the Committee states most emphatically that continued house demolition, eviction of Palestinian residents, settlement construction, transfer of settlers or any other legal or administrative measures aimed at altering the status and physical and demographic character of occupied East Jerusalem constitute violations of international law and must be rescinded by the occupying Power. These unilateral policies and actions also sabotage the important efforts by the Quartet and its partners to relaunch permanent status negotiations between Israel and the Palestinians. Moreover, they call into question the credibility of official declarations by the Israeli Government regarding its readiness to resume serious negotiations with the declared goal of reaching a two-State solution to the conflict on the basis of the 1967 borders.

East Jerusalem remains part of the Occupied Palestinian Territory. Achieving a negotiated solution to the question of Jerusalem based on international law and relevant United Nations resolutions is absolutely essential for resolving the Israeli-Palestinian conflict and crucial for a durable peace in the whole region. The bureau of the Committee stresses that, in the absence of the political will on the part of the Israeli Government to adhere to its obligations, the international community must shoulder the responsibility of ensuring respect for the norms of international law.

The bureau of the Committee also urges the Security Council to implement its own resolutions on the question of Jerusalem. The members of the Quartet must also ensure the implementation by the parties of their obligations under the Road Map. The Committee on the Exercise of the Inalienable Rights of the Palestinian People, for its part, pledges to continue to work in support of a comprehensive, just and lasting solution to the question of Palestine. The status and the future of the Holy City of Jerusalem remain an important integral part of any such settlement.

III. SECURITY COUNCIL HOLDS OPEN DEBATE ON PALESTINIAN QUESTION

On 14 October 2009, the Security Council held an open debate on "The situation in the Middle East, including the Palestinian question". The following are edited excerpts from the briefing delivered by Under-Secretary-General for Political Affairs B. Lynn Pascoe (S/PV.6201):

Since the United Nations Special Coordinator for the Middle East Peace Process Robert H. Serry last briefed the Security Council on 17 September 2009, political efforts to resolve the Arab-Israeli conflict have continued, but there has been

no significant progress on the ground and some worrying developments have emerged.

On 21 September, in the first face-to-face meeting of Israeli and Palestinian leaders since 2008, President Barack Obama

urged the parties to meet their responsibilities and personally committed himself to help them restart negotiations. He stressed to the General Assembly the illegitimacy of continued settlements, as well as the suffering inflicted by the ongoing conflict on Palestinian and Israeli civilians. He detailed his goal of urgently starting talks, without preconditions, on the key issues of security for Israelis and Palestinians, borders, refugees and Jerusalem.

Both the Quartet and the Ad Hoc Liaison Committee for Assistance to Palestinians (AHLC) which met on 22 September, expressed support for the Palestinian Authority's plan to construct the institutions of a Palestinian State within 24 months. AHLC members noted that effective reform efforts by the Palestinian Authority and donor-funded fiscal stimulus were the primary drivers of economic growth in the West Bank. The Government of Israel's relaxation of some restrictions on the movement of goods and people within the West Bank has complemented these efforts.

The Quartet met on 24 September and supported President Obama's efforts to relaunch negotiations, stressing the urgency of making progress. The Quartet also reiterated its call on the parties to implement their Road Map commitments, and in particular for Israel to freeze all settlement activity, including natural growth, and refrain from provocative actions in East Jerusalem, and for the Palestinian Authority to make every effort to improve law and order, fight extremism and end incitement.

As the parties returned from New York, tensions increased on the ground. There were a number of incidents in East

Jerusalem centred around Al-Haram Al-Sharif/Temple Mount. Clashes started on 27 September between Israeli police and Muslim worshippers at Al-Aqsa mosque. Rumours and an atmosphere of mistrust subsequently provoked more confrontations between Palestinians and the Israeli police during the Jewish holiday of Succoth, when tens of thousands of Jewish worshippers were present in the Old City of Jerusalem.

From 28 September, the Israeli authorities imposed new restrictions on worshippers and tourists entering the compound after several hundred worshippers associated with the Islamic Movement of Northern Israel stationed themselves within the site, claiming that radical Jewish groups were intending to alter the status quo at the compound. The Israeli authorities strongly denied these rumours. Bitter accusations from both sides, however, underline the gulf of mistrust that exists.

The Hashemite Kingdom of Jordan was active in negotiating between the Israeli authorities and the Islamic Movement members for an orderly end to the stand-off, and Special Coordinator Serry visited the compound and was in close touch with the parties to urge calm. By Saturday, 10 October, the restrictions that had been imposed on 28 September 2009 were lifted.

United States Special Envoy George Mitchell returned from the region on 12 October. Further discussions between the United States, Israeli and Palestinian interlocutors are now expected to take place in Washington in the days ahead. However, even with the full determination and support of the international community to achieve a two-State solution, the essential ingredient is the political will of the parties to meet their obligations and negotiate an end to the conflict.

The status of the Old City and the religious sites within it are extremely sensitive issues that will be fully resolved only in final status negotiations. Until then, the repeated call of the Quartet on Israel to refrain from provocative actions in East Jerusalem and on the Palestinian Authority to refrain from incitement remains more relevant than ever. The Secretary-General continues to appeal to all sides to exercise restraint.

While the immediate crisis may have passed, we remain concerned about the broader situation in East Jerusalem and the potential for renewed tensions. On 7 October, the cornerstone was laid for the further expansion of the Nof Zion settlement in the heart of the Palestinian neighbourhood of Jabal Mukabbir in East Jerusalem. On 12 October, the Israeli authorities carried out demolition orders against two Palestinian buildings in the Beit Hanina area of East Jerusalem.. Settlement activity is illegal and undermines the efforts of all those who are striving for peace.

Throughout the West Bank, including East Jerusalem, levels of violence remained constant during the most recent reporting period. In total, two Palestinians were killed and 105 injured, and 35 Israelis were injured. Serious incidents took place at the Qalandiya checkpoint, where several Palestinians were injured; at Hussan checkpoint, where a Palestinian was shot and killed; and at Shu'fat checkpoint near Jerusalem, where an Israeli border policeman was stabbed by a Palestinian youth. There were 23 recorded incidents of violence involving settlers attacking Palestinians and their property during the reporting period, and 7 recorded incidents of Palestinian attacks on settlers.

As of 29 September 2009, there were 592 movement obstacles in the West Bank, down from 618 in August. Of the 100 closure obstacles that the Israeli authorities had announced that they would remove immediately prior to last month's briefing, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has been able to confirm that 35 were removed and 22 remain in place. The remaining 43 obstacles were not recorded in the OCHA database.

In addition to these developments, tensions among Palestinians were heightened in the aftermath of the deferral of consideration by the Human Rights Council of the report (A/HRC/12/48) of the United Nations Fact-finding Mission on the Gaza Conflict headed by Richard Goldstone, former South African Constitutional Court judge; the report was presented to the United Nations Human Rights Council on 29 September. The deferral led to severe criticism among a wide range of Palestinian institutions and factions and the public, which included the affected populations and organizations in the region; heavy incitement against President Abbas from Hamas leaders; and public demonstrations of discontent. On 11 October, President Abbas indicated that he had given instructions to seek a special session of the United Nations Human Rights Council on the report, and such a session has now been scheduled for 15 and 16 October 2009.

Members will recall that, at the beginning of 2009, the Secretary-General visited both Gaza and southern Israel in order to help end the fighting and to show his respect and concern for the deaths and injuries of so many people during the conflict in and around Gaza. He was and

remains deeply affected by the widespread death, destruction and suffering in Gaza City, as well as moved by the plight of civilians in southern Israel who have been subject to indiscriminate rocket and mortar fire for too long.

The Secretary-General believes that international humanitarian law needs to be fully respected and that civilians must be protected in all situations and circumstances. As he said in his address to the General Assembly, where conflicts arise justice and accountability should follow. Accordingly, the Secretary-General has from the outset supported the work of the Fact-finding Mission.

The report makes a number of recommendations for ensuring accountability for perpetrators and redress for victims. It calls on the Government of Israel to conduct independent investigations into the many allegations of serious violations of international humanitarian and human rights law committed during the Gaza conflict. It similarly calls on Hamas — the relevant authority in Gaza — to initiate genuine and effective proceedings into the many allegations of serious violations of international humanitarian and human rights law committed by forces under its control, and calls on Palestinian armed groups to undertake to respect international humanitarian law by renouncing attacks on Israeli civilians.

As the Secretary-General has said repeatedly, peace and justice are two sides of the same coin. The Secretary-General calls upon all of the parties to carry out credible domestic investigations into the conduct of the conflict without delay. He hopes that such steps will be taken wherever

there are credible allegations of human rights abuses throughout the world.

The broader situation in Gaza, especially the continued closure policy, remains unsustainable and unacceptable. Resolution 1860 (2009) contains the elements of a more strategic and principled approach, but key elements remain unfulfilled. The situation in Gaza cannot be left to further deteriorate and unravel.

After several months of relative calm, there was a worrying increase in violence between Gaza and Israel in the reporting period, with 12 projectiles fired from Gaza into Israel, including 7 in 1 day on 28 September, as well as 9 Israeli incursions and 12 air strikes. It is essential that calm not only be restored but also solidified. In these incidents, 7 Palestinians, including 2 civilians, were killed and 15 more, including 3 children, were injured. We continue to be concerned about reports of the smuggling of weapons into Gaza as well as the continued closure of the Strip.

No exports were allowed out of Gaza during the reporting period, and food and hygiene items continue to make up the bulk of imports. During his meeting last month with Prime Minister Netanyahu, the Secretary-General expressed his disappointment that, despite extensive discussions, there had been no Israeli approval of the United Nations Gaza recovery proposals for schools, clinics and housing, which are strongly supported by the Quartet and AHLC. The Prime Minister gave the Secretary-General his personal assurances that he would revisit the issue and Special Coordinator Serry has remained engaged with the Israeli authorities.

Despite ongoing recriminations among Palestinian factions, Egypt is continuing intensive efforts to secure the agreement of all factions to proposals to overcome the Palestinian divide and hold elections in the first half of 2010. We continue to support efforts to reunite Gaza with the West Bank within the framework of the legitimate Palestinian Authority, as called for by the Quartet.

Between 2 and 4 October, Israel released 20 Palestinian female detainees after Hamas presented, through a German mediator, a film clip showing Israeli Corporal Gilad Shalit alive and in good health. We certainly welcome these developments.

...

Efforts to resume the political track are continuing and have our full support. However, the pattern of events over the past month in the Middle East is a powerful reminder that without a credible political horizon — including commitments made, monitored and kept on the ground, and a

calling to account when obligations are breached — forces of violence, tension and extremism on both sides will fill the vacuum.

Now more than ever, it is vital that politics be made credible and that those who try to undermine politics by changing facts on the ground or resorting to violence not be allowed to set the agenda. The United Nations will continue to work for a just and lasting peace in the Middle East, achieved through negotiations that are based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), previous agreements, the Madrid framework, the Road Map and the Arab Peace Initiative.

We believe that robust third-party support will be helpful to the parties, and that the end goal of a two-State solution, based on the 1967 lines and the resolution of all core issues, can and must emerge quickly and meaningfully. If we do not go forward decisively towards the two-State solution, we may go back to more violence, suffering and the loss of hope. Once extinguished, that hope would be very difficult to rekindle.

IV. ORGANIZATION OF THE ISLAMIC CONFERENCE ISSUES STATEMENT ON THE OCCUPIED PALESTINIAN TERRITORY

On 9 October 2009, in New York, the Ambassadorial Group of the Organization of the Islamic Conference issued the statement below regarding the situation in the Occupied Palestinian Territory, including East Jerusalem (A/ES-10/465).

The Member States of the Organization of the Islamic Conference (OIC) represented by the Ambassadors of their respective Permanent Missions (OIC Ambassadorial Group) to the United Nations in New York, considered the situation in the Occupied Palestinian Territory, including East Jerusalem.

Recalling the relevant resolutions and decisions of the 11th Islamic Summit held in Dakar in March 2008 and the 36th session of the OIC Council of Ministers (CFM) held in Damascus in May 2009, as well as the Final Communiqué of the Annual Coordination Meeting (ACM) of the OIC Foreign Ministers held in New York in

September 2009, the OIC Ambassadorial Group expressed its serious concern about the situation in the Occupied Palestinian Territory, including East Jerusalem, as a result of continuing illegal actions by Israel, the occupying Power. In particular, the OIC Ambassadorial Group expressed grave concern about the ongoing illegal Israeli settlement colonization campaign being carried out in the Occupied Palestinian Territory, with shocking intensity in and around Occupied East Jerusalem, and the inhumane, unlawful Israeli blockade that continues to be imposed on the Palestinian civilian population in the Gaza Strip and the resultant dire humanitarian crisis.

The OIC Ambassadorial Group expressed alarm at recent attacks carried out by the occupying forces, including extremist settlers, against Palestinian worshippers at Al-Haram Al-Sharif compound in Occupied East Jerusalem, and condemned Israel's continuing provocations, aggression and illegal actions against the City's holy sites and against its Palestinian inhabitants.

The OIC Ambassadorial Group reiterated its condemnation of all illegal Israeli actions and provocative measures aimed at altering the demographic composition, geographic nature, character and status of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. The OIC Ambassadorial Group expressed grave concern that, in defiance of the clear international consensus rejecting such colonization activities and in flagrant breach of international law, Israel continued to construct settlements and the separation wall in the Occupied Palestinian Territory, especially in and around East Jerusalem, where the occupying Power also continues, inter alia, to demolish Palestinian homes, to

evict Palestinian families from their homes, to confiscate Palestinian land and properties and to carry out excavations in the City, including in the vicinity of Al-Haram Al-Sharif compound.

The OIC Ambassadorial Group reiterated the demand for the immediate cessation of all Israeli violations of international law, including humanitarian and human rights law, including an end to its illegal blockade on the Gaza Strip and all settlement activities, which are deepening the suffering of the Palestinian people and undermining the prospects for peace. The OIC Ambassadorial Group called upon the international community, particularly the Security Council, to uphold its responsibilities and to take the necessary actions to compel Israel, the occupying Power, to comply with all of its legal obligations, including under the Fourth Geneva Convention, and with its commitments under the Quartet Road Map.

The OIC Ambassadorial Group called for a redoubling of efforts aimed at the achievement of a just, lasting and comprehensive peace on the basis of the relevant United Nations resolutions, the Madrid terms of reference, the Arab Peace Initiative and the Road Map. In this regard, the OIC Ambassadorial Group reiterated the unwavering support of the OIC for the realization by the Palestinian people of their inalienable rights, including their right to self-determination, with the establishment of their contiguous, viable and independent State of Palestine, with East Jerusalem as its capital, and a just solution for the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III).

**V. HUMAN RIGHTS COUNCIL CONDEMNS ISRAELI ACTIONS IN
JERUSALEM, REFERS GOLDSTONE REPORT TO
GENERAL ASSEMBLY**

On 15 and 16 October 2009, the Human Rights Council held its twelfth session on “The human rights situation in the Occupied Palestinian Territory, including East Jerusalem”, at the request of Palestine and co-sponsored by 18 Member States. On 16 October the Council adopted resolution 12/1 by a vote of 25 in favour to 6 against, with 11 abstentions. The resolution adopted at the session (A/HRC/RES/S-12/1) is reproduced below:

S-12/1

**The human rights situation in the
Occupied Palestinian Territory, including
East Jerusalem**

A

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights,

Affirming the responsibility of the international community to promote human rights and ensure respect for international law,

Emphasizing the particularity of The Occupied East Jerusalem in its rich religious and cultural heritage,

Recalling all relevant United Nations resolutions including Security Council resolutions on Occupied East Jerusalem,

Deeply concerned at the actions by Israel undermining the sanctity and inviolability of religious sites in the Occupied Palestinian Territory including East Jerusalem,

Deeply concerned also at the policy of closure and severe restrictions of Israel, including the permit regime, which continue to be imposed on the movement of Palestinians hindering their free access to their Christian and Muslim holy sites, including Al- Aqsa Mosque,

1. *Strongly condemns* all policies and measures taken by Israel, the occupying Power, including those limiting access of Palestinians to their properties and holy sites particularly in Occupied East Jerusalem, on the basis of national origin, religion, sex, age or any other discriminatory ground, which are in grave violation of the Palestinian People’s civil, political, economic, social and cultural rights;

2. *Condemns further* the recent violations of human rights by Israel in Occupied East Jerusalem, particularly the confiscation of lands and properties, the demolishing of houses and private properties, the construction and expansion of settlements, the continuous construction of the separation Wall, changing the demographic and geographic character of East Jerusalem, the restrictions on the freedom of movement of the Palestinian citizens of East Jerusalem, as well as the continuous digging and excavation works in and around Al-Aqsa mosque and its vicinity;

3. *Demands* Israel, the occupying Power, to respect the religious and cultural rights in the Occupied Palestinian Territory as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions, and the Geneva Conventions, and to allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

4. *Demands also* that Israel, the occupying Power, immediately cease all digging and excavation works and activities beneath and around Al-Aqsa Mosque and its vicinity, and refrain from any acts or operations that may endanger the structure or foundations or change the nature of holy sites both Christian and Islamic in the Occupied Palestinian Territory, including East Jerusalem;

5. *Requests* the High Commissioner for Human Rights, pursuant to resolution S-9/1 of 12 January 2009 and in the context of her periodic reports, to monitor, document and report on the state of implementation by Israel, the occupying Power, of its human rights obligations in and around East Jerusalem;

B

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Reaffirming the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Affirming the applicability of international human rights law and the international humanitarian law, namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution A/HRC/S-9/1 of 12 January 2009, in which the Council decided to dispatch an urgent, independent international fact-finding mission, and its call upon the occupying Power, Israel, not to obstruct the process of investigation and to fully cooperate with the mission,

Condemning all targeting of civilians and stressing the urgent need to ensure accountability for all violations of international human rights law and international humanitarian law to prevent further violations,

1. *Condemns* the non-cooperation by the occupying Power, Israel, with the independent international fact-finding mission;

2. *Welcomes* the report of the Independent International Fact-Finding Mission (A/HRC/12/48);

3. *Endorses* the recommendations contained in the report of the Independent International Fact-Finding Mission, and calls upon all concerned parties including United Nations bodies, to ensure their implementation in accordance with their respective mandates;

4. *Recommends* the General Assembly consider the report of the Independent International Fact-Finding Mission, during the main part of its sixty-fourth session;

5. *Requests* the United Nations Secretary-General to submit to the Council, at its thirteenth session, a report on the status of implementation of paragraph 3 above;

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The Human Rights Council,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention, and *reaffirming* that each High Contracting Party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is under the obligation to respect and ensure the respect

for the obligations arising from that Convention,

Stressing that the right to life constitutes the most fundamental of all human rights,

Recognizing that the siege by Israel imposed on the occupied Gaza Strip, including its closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Welcomes* the first periodic report of the United Nations High Commissioner for Human Rights on the implementation of the Human Rights Council resolution S-9/1(A/HRC/12/37);

2. *Endorses* the recommendations contained in the first periodic report of the High Commissioner, and calls upon all concerned parties including United Nations bodies to ensure their implementation in accordance with their respective mandates;

3. *Requests* the High Commissioner for Human Rights to submit to the Council, at its thirteenth session, a report on the status of implementation of this resolution;

4. *Decides* to follow up on the implementation of section A, section B and section C of the present resolution at its thirteenth session.

VI. PALESTINIAN DELEGATION PRESENTS LEGAL ARGUMENTS FOR INTERNATIONAL CRIMINAL COURT JURISDICTION OVER CRIMES IN THE OCCUPIED PALESTINIAN TERRITORY

On 16 October 2009, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, received a Palestinian delegation headed by Palestinian Authority Minister of Justice Ali Khashan, accompanied by members of an independent fact-finding committee led by Professor John Dugard and members of the Arab League Secretariat. The delegation submitted a preliminary report presenting its legal arguments in support of the acceptance of the jurisdiction of the Court over crimes committed in the Occupied Palestinian Territory. Below is the related press release issued by ICC (ICC-OTP-20091016-PR465):

On 16 October, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, received a Palestinian delegation headed by Dr. Ali Khashan, Minister of Justice of the Palestinian National Authority (PNA). Dr. Khashan was accompanied by the Palestinian Ambassador to the Netherlands, Nabil Abuznaid, and a team of legal experts including Vaughan Lowe (Queen's Counsel), Professor of International Law at Oxford University. The Prosecutor also received members of the Independent Fact-finding Committee on Gaza led by Professor John Dugard and members of the Arab League Secretariat, in the context of ongoing consultations.

The PNA delegation submitted a preliminary report presenting its legal

arguments in support of the declaration that had been lodged on 22 January 2009, accepting the jurisdiction of the Court over crimes committed in Palestine.

The Office will carefully examine all supporting arguments submitted, starting with the initial issue of whether the declaration by PNA accepting the exercise of jurisdiction by ICC meets statutory requirements. The Prosecutor said: "We appreciate the efforts undertaken by the PNA and the extensive legal arguments presented on a highly complex area of law".

A further report is to be presented by PNA in the near future, clarifying additional issues discussed during the meeting.

VII. SECRETARY-GENERAL SENDS MESSAGE TO JERUSALEM INTERNATIONAL FORUM

Following is a message of Secretary-General Ban Ki-moon to the Jerusalem International Forum held in Rabat, Morocco, on 28 and 29 October 2008, hosted by King Mohammed VI, Chair of the Jerusalem Committee of the Organization of the Islamic Conference, and the Yasser Arafat Foundation, which was delivered by United Nations Special Coordinator for the Middle East Peace Process Robert Serry (SG/SM/12575):

I send my greetings to the leaders gathered in Rabat for this international forum on Jerusalem. I thank His Majesty, King Mohammed VI, the Chair of the

Jerusalem Committee of the Organization of the Islamic Conference, and the Yasser Arafat Foundation for hosting this event.

For Muslims, Jews and Christians, for Israelis and Palestinians, and for peoples around the world, Jerusalem represents a place of faith and longing, a symbol of aspirations for nationhood, and a sacred space that must be open to all. As we are constantly reminded, events in Jerusalem can undermine trust on the ground and be felt in distant lands. It is for this reason that we must ensure that the holy city becomes a true symbol of peace, bringing people together and marking a new, more positive era for the whole region.

As has long been agreed between Israelis and the Palestinians, Jerusalem is a core issue that must be resolved through negotiations, along with all other core issues. The international community does not recognize Israel's annexation of East Jerusalem, which remains part of the Occupied Palestinian Territory subject to the terms of the Fourth Geneva Convention. If peace is to be achieved, the goal must be for Jerusalem to be the capital of two States living side by side in peace and security, with arrangements for the holy sites acceptable to all. This is the road to the fulfilment of both the vision of Security Council resolutions and the Arab Peace Initiative, and the yearning for peace of people from all over the world.

I commend those Israelis and Palestinians who are working to reach across gulfs of misunderstanding and conflict to find ways to build cooperation, mutual respect and trust, including in Jerusalem. Such efforts are made very difficult by continued evictions and house demolitions in East Jerusalem – including again yesterday – the closure of Palestinian institutions in the city, and the expansion of settlements contrary to international law and

the road map. These actions exacerbate tensions, prejudice final status issues, and often have tragic human consequences. I reiterate the repeated calls of the Quartet and the wider international community for Israel to freeze settlement activity, cease provocative and unilateral actions, and reopen Palestinian institutions in Jerusalem.

I am concerned at the recent episodes of tension at the Haram Al-Sharif/Temple Mount compound, and the potential for further clashes. Aided by my envoy based in Jerusalem, I continue to follow this issue closely and to urge all sides to respect the sanctity of the holy sites and cease provocations. I commend the efforts of the Hashemite Kingdom of Jordan to alleviate tensions. UNESCO (United Nations Educational, Scientific and Cultural Organization) also remains engaged regarding the sensitive excavations at the site of the reconstruction of the ramp leading to the Maghrabi Gate. We all share a responsibility to promote calm.

Today, access into East Jerusalem remains severely restricted by checkpoints, permits and the barrier, whose route is contrary to the Advisory Opinion of the International Court of Justice. These measures separate families, limit Palestinian economic development and make it difficult for residents of the West Bank to access specialized medical facilities. The United Nations, which has a strong and visible presence in Jerusalem, continues to support through our programmes the health and education of the population and their economic, cultural and religious life, while urging the Israeli authorities to respect the organic relationship between East Jerusalem and the remainder of the West Bank.

At this challenging time, I ask all of you to support President [Mahmoud] Abbas, the Palestine Liberation Organization and the Palestinian Authority in their efforts to achieve a negotiated solution to the conflict and to build the institutions of a Palestinian State. The United States continues its efforts in this regard, and all members of the Quartet are working to ensure that

negotiations not only resume in an atmosphere conducive to their success, but also are concluded expeditiously. The road ahead will not be easy, but only with the achievement of a two-State solution, and a comprehensive Arab-Israeli peace will Jerusalem be fully restored to its rightful place as a symbol of sanctity, brotherhood and peace for the entire world.
