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I. UNITED NATIONS SPECIAL COORDINATOR DEPLORES ISRAELI EVICTION OF UNRWA-REGISTERED REFUGEES IN EAST JERUSALEM

On 2 August 2009, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, Robert H. Serry, issued the following statement in Jerusalem:

I deplore today's totally unacceptable actions by Israel, in which Israeli security forces evicted Palestinian refugee families registered with UNRWA from their homes in the Arab neighbourhood of Sheikh Jarrah in East Jerusalem to allow settlers to take possession of these properties. These actions are contrary to the provisions of the Geneva Conventions related to occupied territory. They also contravene the united calls of the international community, including the Quartet's, which in its recent statement urged the Government of Israel to

refrain from provocative actions in East Jerusalem, including house demolitions and evictions. These actions heighten tensions and undermine international efforts to create conditions for fruitful negotiations to achieve peace. The United Nations rejects Israel's claims that this is a matter for municipal authorities and domestic courts. I call on Israel to adhere to international law and its road map obligations and to cease and reverse such provocative and unacceptable actions in East Jerusalem.

II. UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS REPORTS ON THE HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY IN THE WAKE OF GAZA MILITARY OPERATION

On 10 August 2009, United Nations High Commissioner for Human Rights Navanethem Pillay issued the first periodic report as requested by the Human Rights Council in its resolution S-9/1 entitled "The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip". The conclusions and recommendations of the report are reproduced below (A/HRC/12/37):

77. During the reporting period, the already critical human rights situation in the Occupied Palestinian Territory deteriorated further. The recommendations made by the United Nations Secretary-General and the High Commissioner for Human Rights in recent reports on the human rights situation have not been implemented. All recommendations made previously by the Secretary-General and the High

Commissioner, addressed to all duty bearers, remain valid and urgently need to be implemented by the parties. In particular, the High Commissioner remains gravely concerned that Israel has not yet complied with the advisory opinion on the wall of the International Court of Justice, and that the severe restrictions on movement of Palestinian persons in the West Bank continue.

78. As reported above, significant prima facie evidence indicates that serious violations of international humanitarian law as well as gross human rights violations occurred during the military operations of 27 December 2008 to 18 January 2009, which were compounded by the blockade that the population of Gaza endured in the months prior to Operation Cast Lead and which continues.

79. Across the Occupied Palestinian Territory, reported human rights violations during the reporting period include arbitrary detentions; torture and ill-treatment; extrajudicial executions; forced evictions and home demolitions; settlement expansion and related violence; as well as restrictions on freedom of movement and freedom of expression. While these violations are of deep concern in their own right, the near-total impunity that persists for such violations (regardless of the responsible duty bearer) is of grave concern, and constitutes a root cause for their persistence.

80. In this context, the High Commissioner makes the following recommendations:

- The blockade of Gaza and the restrictions on the entry and exit of people and goods in the West Bank, as well as inside the West Bank, amount to collective punishment under article 33 of the Fourth Geneva Convention. The High Commissioner reiterates her call for the immediate easing of restrictions with a view to the complete lifting of the blockade and other restrictions.
- All allegations of violations of international humanitarian law and human rights violations during the Gaza military operations must be investigated by credible,

independent and transparent accountability mechanisms, taking fully into account international standards on due process of law. Equally crucial is upholding the right of victims to reparation. All parties concerned, as well as States and the international community as a whole, should render full support and cooperation to all such accountability efforts. The High Commissioner stresses in particular the need for full cooperation with and support to the ongoing work of the independent fact-finding mission mandated by the Human Rights Council and headed by Justice Richard Goldstone.

- In the wider Occupied Palestinian Territory context, addressing the persisting impunity for human rights and international humanitarian law violations committed by all parties is vital for preventing a further deterioration of the human rights situation. In particular, reported instances of arbitrary detentions, torture and ill-treatment and extrajudicial executions should be investigated. A key obstacle in this regard is the widespread recourse to military justice systems, which do not meet international standards of due process, by all parties. This should be curtailed.

- The Government of Israel must stop its expansion of settlements, which are illegal. It should also issue viable zoning plans and a less cumbersome process for issuing building permits in a non-discriminatory manner for all, in East Jerusalem and other places in the West Bank. Until such time, the High Commissioner calls for an immediate halt to evictions and demolitions of Palestinian homes. The Government of Israel also needs to address, as a matter of urgency, the persisting impunity for settler violence, while providing effective

protection for all, in particular the vulnerable groups most affected by such acts.

- In its efforts to promote a much-needed political solution to the over 40-year-old conflict, the international community should ensure that such a long-awaited outcome is

anchored in international law, in particular international human rights and humanitarian law, including the advisory opinion of the International Court of Justice. There can be no lasting peace without respect for human rights and without accountability for human rights violations.

III. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS ASSESSES THE HUMANITARIAN IMPACT OF TWO YEARS OF BLOCKADE ON THE GAZA STRIP

The Office for the Coordination of Humanitarian Affairs of the Occupied Palestinian Territory on 14 August 2009 issued a report entitled: “Locked in: The humanitarian impact of two years of blockade on the Gaza Strip”. The executive summary of the report is reproduced below:

...

Following the Hamas takeover of the Gaza Strip in June 2007, Israel has imposed an unprecedented blockade on all border crossings in and out of the Gaza Strip. The blockade has “locked in” 1.5 million people in what is one of the most densely populated areas on earth, triggering a protracted human dignity crisis with negative humanitarian consequences. At the heart of this crisis is the degradation in the living conditions of the population, caused by the erosion of livelihoods and the gradual decline in the state of infrastructure, and the quality of vital services in the areas of health, water and sanitation, and education.

The blockade, now in its third year, has taken place alongside recurrent cycles of violence and human rights violations, stemming from the Israeli-Palestinian conflict and Hamas’ rule over Gaza. The denial of Palestinians’ right to leave Gaza, or to move freely to the West Bank, particularly when their lives, physical

integrity, or basic freedoms are under threat, is another key component of the current human dignity crisis. This denial had a devastating impact during Israel’s “Cast Lead” military offensive, launched on 27 December 2008, contributing to the significant loss of civilian life and the large number of seriously injured and traumatized people as a result.

The three week-long Israeli offensive also involved the widespread destruction of homes, infrastructure and productive assets. The ongoing restrictions on the movement of people and goods to and from Gaza through the crossings has limited the ability of all relevant actors to address the immense needs and challenges that emerged as a result of the most recent military offensive.

Over the past three months, Israel has allowed entry into Gaza of a small number of truckloads carrying goods previously prevented from entering, including limited construction, water, sanitation and education materials. While these are welcome steps,

their actual impact when compared to the current level of needs in Gaza remains negligible.

This blockade has been characterized by the United Nations most senior humanitarian official, John Holmes, as a form of collective punishment on the entire Gazan population. The UN, the ICRC, many states and humanitarian organizations have repeatedly urged the Government of Israel to remove the restrictions on Gaza's borders; to allow free access to agricultural areas within Gaza, and to allow unrestricted fishing in Gaza's territorial waters. These are the urgent first steps needed to start the reconstruction of homes and infrastructure, the revival of the economy and the restoration of human dignity in Gaza.

The blockade imposed in June 2007 includes:

- The closure of Karni, the largest and best equipped commercial crossing with the exception of a conveyor belt used for the transfer of grains.

- Sweeping restrictions on the import of industrial, agricultural and construction materials.

- The suspension of almost all exports.

- A reduction in the amounts of industrial fuel (used to operate Gaza's sole power plant), benzene, diesel and cooking gas allowed entry.

- A general ban on the movement of Palestinians through Erez, the only passenger crossing to the West Bank, except for limited numbers of "humanitarian cases".

- The closure of the Rafah Crossing, directly controlled by Egypt, except for intermittent openings.

- A significant reduction in the fishing areas and farming land accessible to Palestinians.

IV. ASSISTANT SECRETARY-GENERAL FOR POLITICAL AFFAIRS BRIEFS THE SECURITY COUNCIL

On 19 August 2009, Assistant Secretary-General for Political Affairs, Oscar Fernandez-Taranco, briefed the Security Council on the situation in the Middle East, including the Palestinian question (S/PV.6182). The following are excerpts of his briefing:

Since my last briefing and the open debate on 27 July on the situation in the Middle East (see S/PV.6171), there have been several important developments on the ground and continued international efforts to create the conditions for the prompt resumption and early conclusion of Israeli-Palestinian negotiations. United States Envoy Mitchell completed a regional visit on 29 July to seek commitments and actions

from the parties, including with regard to the implementation of phase I road map obligations, as well as on broader regional steps, as outlined by the Quartet in its Trieste statement of 26 June. The Quartet envoys met in the office of the Special Coordinator in Jerusalem on 31 July in a follow-up to the principals' meeting in Trieste, and are expected to meet again soon.

...

In the West Bank, the Palestinian Authority continues its efforts to impose law and order in Palestinian cities and towns. Since mid-June there has been a notable decrease in the number of Palestinians injured by Israeli military activities, and we hope this welcome trend will continue. Attacks by Israeli settlers on Palestinians and their property continued, along with a lack of enforcement of the rule of law. Altogether, 24 Palestinians, of whom 5 were children, and 7 Israelis, all adults, were injured. There were no fatalities to report.

In last month's briefing, we reported that Israel had eased some movement restrictions, improving access to certain West Bank towns and aiding efforts to improve living conditions and promote economic growth. According to the Nablus Chamber of Commerce, that city has seen a slow, albeit significant, revival of commercial activity since the beginning of the year. In addition, the Government of Israel announced that, as of 5 August, passenger crossing hours at Allenby Bridge will be expanded on a pilot basis, which we hope will ease the flow of the hundreds of thousands of Palestinians who visit the West Bank. This measure follows an earlier announcement of the expansion of commercial crossing hours, an important step for facilitating Palestinian exports.

We welcome these actions and the statement of the Government of Israel that it intends to take further steps to ease movement and access. This is essential if change is to become truly transformative, because significant obstacles to movement and access persist in the West Bank, including around East Jerusalem; the total

number of obstacles stands at 614. Other measures that would greatly enhance economic development in the West Bank include further removal of obstacles; removal of the permit requirement for Palestinians to travel into the Jordan Valley; significantly improved access to East Jerusalem; an increased number of permits for Palestinian workers in Israel; and increased capacity of commercial crossings and redeployment of Palestinian customs authorities to Allenby Bridge. The easing of the tight restrictions on infrastructure development in Area C is also critical for Palestinian economic development.

We continue to be concerned at the critical budget deficit facing the Palestinian Authority. We welcome recent transfers made by key donors, who have made significant pledges, and we encourage all donors to fulfil pledges made in Paris in December 2007 and at Sharm el-Sheikh in March of this year.

The issue of continued Israeli settlement activity in East Jerusalem and the West Bank is a matter of grave concern.

...

Israeli actions in support of settlers in the heart of East Jerusalem have been a matter of particular concern in the reporting period. On 2 August, following a decision by the Israeli High Court, Israeli security forces forcibly evicted nine Palestinian families, amounting to 53 people, including 20 children, from their homes in the Sheikh Jarrah neighbourhood of East Jerusalem. Under the protection of Israeli security forces, the property was handed over to a settlement organization, and Israeli settlers took over the buildings immediately after the evictions. The families evicted are now

living on the sidewalk near the homes from which they were forcibly removed, and tensions in the area remain high. Settlement plans in other parts of Sheikh Jarrah have put approximately 450 other residents of the neighbourhood at risk of displacement. In addition, on 5 August, eight Palestinians were injured in clashes with Israeli forces delivering demolition orders in the Al-Bustan neighbourhood of East Jerusalem.

We reiterate our call to Israel to adhere to international law and its road map obligations, and to cease and reverse provocative actions such as the demolitions and evictions in East Jerusalem. We remind Israel of the Quartet's united position on this issue, and of its recent affirmation that unilateral actions cannot prejudice the outcome of negotiations and will not be recognized by the international community.

Turning to the situation in and around Gaza, there have been serious developments inside the Strip. Late last week, a radical group calling itself Jund Ansar Allah, armed with firearms, rocket-propelled grenades and explosives, took refuge inside a mosque in Rafah, declared an Islamic emirate and criticized Hamas for insufficient efforts to launch attacks against Israel and apply strict sharia law. After that group refused to respond to calls by Hamas for its surrender, on 14 August a violent confrontation ensued, in which at least 28 people were killed and more than 100 wounded, among them a number of unarmed civilians.

Both the de facto security forces in Gaza and the militant wing of Hamas were involved in acting against the group, and heightened security measures were put in place in other parts of the Gaza Strip. These events highlight concerns regarding the

radicalization of certain elements in Gaza, the dangers of continued smuggling of weapons and explosives into the Strip, the absence of an appropriate legal framework for ensuring public security and order, and the need for full respect of international humanitarian law by all parties to ensure the protection of civilians.

These developments took place during a period in which there have been no casualties due to Israeli-Palestinian violence. A relative calm, enforced on the Gaza side by Hamas, prevails. However, there were two rocket and mortar attacks against Israel by militant groups in the Gaza Strip, including an attack on 9 August on the Erez crossing point while Palestinian patients were being evacuated for medical treatment in Israel.

In response, Israeli forces conducted an air raid, shelling the areas of the tunnels under the Egypt-Gaza border. Israeli forces have also conducted six ground incursions during the reporting period. Since the last report to the Council, four more lives have been lost in accidents in the tunnels. Nevertheless, large-scale smuggling continues. This, along with the closure regime, is undermining the regular economy and people's livelihoods in Gaza, as well as forces of political moderation.

Security Council resolution 1860 (2009), which calls for mechanisms to prevent illicit trafficking of arms and ammunition into Gaza and for the sustained reopening of the crossing points, is yet to be operationalized. Overall, an average of 87 trucks per day were allowed into Gaza, as compared to 78 per day in July. This is significantly higher than the 18 trucks per day in November 2008, before the start of

Operation Cast Lead. However, in May 2007, prior to the imposition of the comprehensive closure regime, 475 trucks per day were entering Gaza as part of normal commerce and trade. Today, the overwhelming majority of imports are limited to food and sanitation items, with little or no entry for all other goods, including items intended for recovery.

Notwithstanding that, there were some positive developments with respect to access. On 27 July, for the first time in 10 months, Israel permitted the shipment of 100,000 litres of diesel and 40,000 litres of gasoline into Gaza for private use. On 6 August, three truckloads of cement and steel bars were allowed into Gaza for the Palestinian Water Authority's north Gaza wastewater treatment plant. While welcome, these measures are not sufficient to meet the needs of Gaza's civilian population.

Consultations are ongoing with the Israeli authorities regarding the United Nations proposal to start early recovery construction activities for schools, homes and health clinics in Gaza. We hope for and expect a clear answer on the proposal from the Israeli Government very soon.

...

We continue to call for the release of Israeli Corporal Gilad Shalit. We express the hope that negotiations on a prisoner exchange will be pursued in good faith by both parties to facilitate his release, along with the release of a number of the more than 11,000 Palestinian prisoners being held in Israeli jails.

Following the public hearings in Gaza and Geneva that were reported on last month, the fact-finding mission led by

Justice Goldstone has completed its investigations and is in the process of finalizing its report. The report is expected to be issued in early September, with presentation and discussion of the report at the Human Rights Council scheduled for 29 September.

Between 3 and 10 August, the Fatah party of Palestinian President Mahmoud Abbas held its sixth party congress in Bethlehem, the first in 20 years and the first in the occupied Palestinian territory. Most Fatah members from Gaza were unable to participate following prevention of their travel by Hamas, but voted by telephone. President Abbas was elected by acclamation as Fatah leader and Chairman of the party's Central Committee. Nineteen other Fatah members, 14 of whom were not members of the previous Central Committee, were elected to the new Central Committee, and a new Revolutionary Council was elected.

We continue to call for efforts to reunite Gaza and the West Bank within the framework of the legitimate Palestinian Authority. We support Egypt in its efforts in this regard and hope that reconciliation talks are resumed again in earnest soon.

...

In conclusion, we urge the parties to respond positively to the efforts under way to create the conditions for an early resumption and early conclusion of Israeli-Palestinian negotiations, as well as to efforts to promote progress towards comprehensive regional peace. The Secretary-General remains committed to working with the parties and his international partners for an end of the occupation that began in 1967 and the establishment of a Palestinian State living side by side in peace with Israel,

within secure and recognized borders, and a just, lasting and comprehensive peace in the Middle East, in accordance with relevant

Security Council resolutions, the road map and the Arab Peace Initiative.

V. SPECIAL RAPPORTEUR ASSESSES HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY

On 25 August 2009, United Nations Secretary-General Ban Ki-moon transmitted the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, submitted in accordance with Human Rights Council resolution 5/1. The report covers the period from December 2008 to July 2009 (A/64/328). The following is a reproduction of the report's recommendations:

(a) The General Assembly should request an advisory opinion from the International Court of Justice on the obligations and duties of Members States of the United Nations to cooperate with the Organization and its representatives;

(b) Members States should be encouraged to use national means, including courts, to fulfil their obligations under the Fourth Geneva Convention, articles 146 to 149, with respect to implementing international criminal law as pertains to the occupied Palestinian Territory;

(c) Israeli respect for international law and Palestinian rights should henceforth be an integral element in future peace negotiations;

(d) Consideration should be given to imposing limits on the supply of arms to the parties to the Israel/Palestine conflict;

(e) The unlawfulness of Israeli settlements should be confirmed, and steps taken to move beyond the freeze, and in the direction of dismantling, with due respect for the human rights of all affected;

(f) Consideration should be given to requesting the International Committee of the Red Cross or some other designated body to study and make recommendations as to the special problems arising from prolonged occupation.

VI. UNITED NATIONS SPECIAL COORDINATOR WELCOMES PALESTINIAN STATE-BUILDING AGENDA

United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, Robert H. Serry, on 25 August 2009 issued the following statement:

I welcome the announcement of Prime Minister Fayyad today and look forward to studying closely the blueprint he has unveiled. As he has explained to me, this plan builds on the significant efforts of self-empowerment that the Palestinian Authority has embarked on over the last two years. We as the United Nations will continue to be closely engaged with the Palestinian Authority in support of its state-building agenda.

As the Palestinian Authority continues down this path, it challenges all other players to step up to their responsibilities and move forward quickly and decisively in the coming two years. The agenda must be turned into reality by intensified actions of enablement by Israel on the ground and continued donor support, and the creation at the earliest opportunity of an internationally-recognized Palestinian State living side-by-side with Israel in peace and security.
