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Progress made in the implementation of the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict by all concerned parties, including United Nations bodies, in accordance with Human Rights Council resolution [S-12/1](#) B, paragraph 3
Report of the Secretary-General

Summary

The present report focuses on the status of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict ([A/HRC/12/48](#)). It reviews all recommendations made by the Mission, in the order in which they appear in the Mission report.

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I. Introduction

1. The Human Rights Council, in its [resolution 19/18](#), reiterated its call for all concerned parties to ensure the full and immediate implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict ([A/HRC/12/48](#)) (hereinafter "Mission"). It also requested the Secretary-General to submit a comprehensive report on progress made in the implementation of the Mission's recommendations, in particular by providing detailed information on non-implementation and the measures required to ensure the most adequate and effective implementation of the recommendations by all parties concerned, in accordance with paragraph 3 of section B of Human Rights Council [resolution S-12/1](#), to the Council at its twenty-first session.

2. The present report is submitted pursuant to that request. It updates and supplements the information contained in the previous reports of the Secretary-General on progress in implementing the Mission's recommendations ([A/HRC/13/55](#); [A/HRC/15/51](#); [A/HRC/18/49](#)). It contains information requested and received from States, organizations and other entities to which the Mission addressed recommendations, as well as information gathered directly by the United Nations.

II. Progress in implementing the recommendations in the Mission's report**A. Action by the Human Rights Council**

3. The following information concerns the implementation of the recommendation in paragraph 1968(a) of the Mission's report. As stated in the Secretary-General's

first progress report on the status of implementation of the Mission's recommendations ([A/HRC/13/55](#)), the Human Rights Council, in [resolution S-12/1](#) , endorsed the Mission's recommendations and called upon all concerned parties to ensure their implementation in accordance with their respective mandates. In its [resolution 13/9](#) , the Council reiterated this call and decided to follow up on the status of implementation at its fifteenth session. In its [resolution 15/6](#) , the Council requested the Secretary-General to follow up on the implementation of the recommendations contained in the Mission's report, in accordance with [resolution S-12/1](#) . In its [resolution 16/32](#) , the Council reiterated its call upon all concerned parties to ensure the full and immediate implementation of the Mission's recommendations in accordance with their respective mandates. Also in [resolution 16/32](#) , the Council decided to follow up on the status of implementation at its nineteenth session. At its nineteenth session, through [resolution 19/18](#) , the Council reiterated its call on all concerned parties to ensure the full and immediate implementation of the Mission's recommendations. In addition, the Council recommended that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the Mission's recommendations has been taken at the domestic or international level to ensure justice for victims and accountability for perpetrators, and also remain ready to consider whether additional action within its powers is required in the interests of justice. The Secretary-General observes that the Human Rights Council has endorsed the Mission's recommendations, in line with paragraph 1968(a) of the Mission's report, and that further implementation of the recommendation is occurring on an on-going basis.

4. In regard to the implementation of the recommendation in paragraph 1968(b) of the Mission's report, the Secretary-General observes that, to date, the Human Rights Council has not requested that the Secretary-General bring the Mission's report to the attention of the Security Council under Article 99 of the Charter. The Secretary-General further observes that, to ensure adequate and effective implementation of this recommendation, the Human Rights Council would need to make a specific request, in accordance with its mandate and procedures, that he bring the Mission's report to the attention of the Security Council under Article 99 of the Charter of the United Nations.

5. In relation to the recommendation contained in paragraph 1968(c) of the Mission's report, as stated in the Secretary-General's first progress report on the status of implementation of the Mission's recommendations ([A/HRC/13/55](#)), the report of the Mission was transmitted to the Prosecutor of the International Criminal Court (ICC) on 10 December 2009. The Secretary-General observes that the Mission's recommendation in paragraph 1968(c) of its report has been implemented.

6. With respect to the Mission's recommendation in paragraph 1968(d) of its report, as stated in the Secretary-General's first progress report on the status of implementation of the Mission's recommendations ([A/HRC/13/55](#)), the Human Rights Council, in [resolution S-12/1](#) , recommended that the General Assembly should consider the report during its sixty-fourth session. By [resolution 16/32](#) , the Human Rights Council recommended that the General Assembly reconsider the report at its sixty-sixth session. The Secretary-General observes that the Human Rights Council has implemented the recommendation in paragraph 1968(d) of the Mission's report.

7. The Secretary-General observes that the Mission's recommendation in paragraph 1968(e) of its report has been partially implemented. As stated in the Secretary-General's first progress report on status of implementation of the Mission's recommendations ([A/HRC/13/55](#)), the Mission's report was transmitted to the treaty bodies that monitor compliance by Israel with the human rights treaties to which it is party ' on 10 December 2009. To date, the Human Rights Committee and the Committee on the Rights of the Child have issued concluding observations and recommendations concerning Israel's implementation of the Mission's recommendations. To ensure adequate and effective implementation of the Mission's recommendation in paragraph 1968(e) of its report, the Council would need to review progress in implementing the Mission's recommendations as part of Israel's participation in the second cycle of the universal periodic review process, which will take place during the 15th Universal Periodic Review Working Group session from 21 January to 1 February 2013.

B. Action by the Security Council

8. In relation to the Mission's recommendation in paragraph 1969(a) of its report, to date the Security Council has not required that the Government of Israel, under Article 40 of the Charter of the United Nations, take all appropriate steps, within a period of three months, to launch appropriate investigations that are independent and in conformity with international standards, into the serious violations of international humanitarian and international human rights law reported by the Mission, and any other serious allegations that might come to its attention. However, with regard to adequate and effective implementation of the Mission's recommendation in paragraph 1969(a) of its report, the Secretary-General would refer to the developments reported in paragraph 9 below.

9. The Secretary-General observes that the Security Council has not, to date, established a committee such as that detailed in paragraphs 1969(b-e) of the Mission's report. Yet the Secretary-General notes the following developments. The Human Rights Council, by [resolution 13/9](#) , established a committee of independent experts in international humanitarian and human rights laws to monitor and assess domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, including the independence, effectiveness and genuineness of these investigations and their conformity with international standards. In accordance with [resolution 15/6](#) , the committee reported to the Human Rights Council's fifteenth session ([A/HRC/15/50](#)). By [resolution 15/6](#) , the Human Rights Council welcomed that report and renewed and resumed the mandate of the committee. The committee presented its second report to the Human Rights Council's sixteenth session (A/HRC/16/24). In its [resolution 16/32](#) , the Human Rights Council took note of the committee's two reports and called for the implementation of their conclusions.

C. Action by the Prosecutor of the International Criminal Court

10. In relation to the implementation of the recommendation in paragraph 1970 of the Mission's report, by letter dated 23 May 2012, the Office of the Prosecutor of the ICC informed the High Commissioner for Human Rights that it had issued an "Update on the Palestine situation" on 3 April 2012. In its update, the Office of the Prosecutor assessed that it is for the relevant bodies at the United Nations of the Assembly of States Parties to make the legal determination whether Palestine qualifies as a State for the purpose of acceding to the Rome Statute and thereby enabling the exercise of jurisdiction under article 12(1). The Office of the Prosecutor further informed the High Commissioner that the Rome Statute provides no authority for the Office of the Prosecutor to adopt a method to define the term "State" under article 12(3) which would be at variance with that established for the purpose of article 12(1). The Office of the Prosecutor noted that it could in the future consider allegations of crimes committed in Palestine, should competent organs of the United Nations or eventually the Assembly of States Parties resolve the legal issue relevant to an assessment of article 12 or should the Security Council, in accordance with article 13(b), make a referral providing jurisdiction. The Secretary-General observes that the Office of the Prosecutor of the ICC has implemented the Mission's recommendation in paragraph 1970 of its report.

D. Action by the General Assembly

11. With respect to the implementation of the Mission's recommendation in paragraph 1971(a) of its report, the Secretary-General observes that, to date, the General Assembly has not requested that the Security Council report to it on measures taken with regard to ensuring accountability for serious violations of international humanitarian law and human rights in relation to the facts in the Mission's report and any other relevant facts in the context of the military operations in Gaza. In regard to adequate and effective implementation of this recommendation, the Secretary-General refers to the developments reported in paragraph 9 above.

12. The Secretary-General observes that, to date, the General Assembly has not established a fund such as that detailed in the recommendation contained in paragraph 1971(b) of the Mission's report. The Secretary-General, however, notes the following developments. By [resolution 13/9](#) , the Human Rights Council called upon the High Commissioner for Human Rights to explore and determine the appropriate modalities for the establishment of such a fund. The High Commissioner reported to the Council on this matter in her report on follow-up to the report of the Mission (A/HRC/15/52/Add.1). Therein, the High Commissioner summarized advice received from the Office of Legal Affairs, which was that a number of decisions would need to be taken by a competent organ of the United Nations (for example the General Assembly) if the decision were to be made to follow the Mission's recommendation in 1971(b). According to the Office of Legal Affairs (OLA), these decisions would include (a) a decision to establish the escrow fund; (b) a decision on the source(s) of funding for the fund; (c) a decision to establish a body to administer the fund; (d) a decision on the extent to which the body would rely on the investigations carried out by the Government of Israel and the Palestinian authorities in order to determine the factual basis of a claim for compensation for the fund; and (e) a decision to establish a secretariat of the body administering the fund. OLA also identified a set of ancillary decisions that would need to be taken, including decisions on the identification of persons eligible to receive

compensation from the fund; the particular types of loss for which compensation might be paid from the fund; the process for the submission of claims for compensation; a timetable for the submission of claims; and a target date for the completion of claims processing. Subsequently, the High Commissioner reiterated OLA's advice in her progress report submitted pursuant to Human Rights Council [resolution 16/32](#) ([A/HRC/18/50](#)). With regard to the most adequate and effective implementation of the Mission's recommendation in paragraph 1971(b) of its report, the Secretary-General refers to the advice provided by the Office of Legal Affairs.

13. In relation to the implementation of the recommendation in paragraph 1971(c) of the Mission's report, steps taken by the General Assembly to implement this recommendation were outlined in a previous progress report of the Secretary-General ([A/HRC/15/51](#)). Since then, the General Assembly has not taken further action in this matter. The Secretary-General observes that, with reference to paragraph 5 of General Assembly resolution 64/10 of 5 November 2009, the General Assembly has implemented the Mission's recommendation in paragraph 1971(c) of its report. Furthermore, in its [resolution 16/32](#), the Human Rights Council welcomed the efforts made by Switzerland to reconvene such a conference, and recommended that Switzerland continue to pursue its efforts with the aim of resuming the conference before September 2011. The High Commissioner reported on Switzerland's efforts in this connection in her progress report on the implementation of Human Rights Council [resolution 16/32](#) ([A/HRC/18/50](#)). Subsequently, in [resolution 19/18](#), the Human Rights Council welcomed Switzerland's efforts and recommended that it continue to pursue its efforts with the aim of resuming the above-mentioned conference as soon as possible. In a note verbale sent to the Office of the High Commissioner for Human Rights (OHCHR) on 23 May 2012, Switzerland recalled that it had concluded in July 2011 that, following a year of consultations, there was no cross-regional critical mass in support of the convening of such a conference. Switzerland noted that it had received, on 16 January 2012, correspondence from the President of the coordinating office of the Non-Aligned Movement reiterating the urgency of undertaking further consultations with the objective of convening such a conference as soon as possible. On 22 March 2012, Switzerland informed the President of the Non-Aligned Movement of its intention to undertake discussions with the concerned parties. In this regard, Switzerland met with representatives of Israel and Palestine on 28 March and 2 April 2012 respectively. On 17 April 2012, Switzerland submitted an informal document to these parties that includes suggestions for a collaborative approach to attain concrete goals. As of the transmission of Switzerland's note verbale, the concerned parties were considering the informal document. Switzerland reiterated its readiness to cooperate with the High Contracting Parties and other interested parties in this respect.

14. With regard to the implementation of the recommendation in paragraph 1971(d) of the Mission's report, the Secretary-General observes that, to date, the General Assembly has not taken action to promote such a discussion. However, the Secretary-General notes the following developments. The Human Rights Council called upon the General Assembly, through its [resolution 13/9](#), to promote an urgent discussion on the future legality of the use of certain munitions, as referred to in the Mission's report. The Human Rights Council reiterated this call through its [resolution 16/32](#) and subsequently recommended, through its [resolution 19/18](#), that the General Assembly consider launching such a discussion. The Secretary-General has not been informed that the Government of Israel has undertaken a moratorium on the use of such weapons. In order to ensure the most adequate and effective implementation of this aspect of the Mission's recommendation in paragraph 1971(d) of its report, the Government of Israel would need to take appropriate action within its own national legal and political framework.

E. Action by the State of Israel²

15. The following concerns implementation of the recommendation in paragraph 1972(a) of the Mission's report. Positive steps toward the resumption of meaningful economic activity include the export of 150 truckloads of goods from Gaza, and Israel's approval, as of August 2012, of USD 360 million worth of United Nations projects for recovery and reconstruction. The approval of USD 85 million worth of United Nations projects remains pending. Israel recently released 20,000 tons of construction materials for Gaza's private sector. However, the border closures and restrictions on passage through border crossings continue to seriously negatively affect the population of the Gaza Strip. Over 75 per cent of the units needed to replace homes destroyed during Operation Cast Lead have not been constructed. Gaza's unemployment rate remains high. This combines with the urgent demand for construction materials to reconstruct homes, schools and other infrastructure to result in thousands of people continuing to risk their lives to work in tunnels along the border with Egypt. The Secretary-General observes that the State of Israel, notwithstanding the abovementioned positive steps, has yet to fully implement the Mission's recommendation in paragraph 1972(a) of its report. With regard to the most adequate and effective implementation of this recommendation, the Secretary-General observes that Israel should lift the closure, in line with Security Council [resolution 1860](#), and prioritize the unrestricted import of key building materials and particularly aggregate, iron bar and cement.

16. With respect to the implementation of the recommendation in paragraph 1972(b) of the Mission's report, Israel continues to limit Palestinians' access to the sea to three nautical miles. According to investigations carried out by OHCHR, Israel's means of enforcing this limit raise serious concerns with regard to its obligations under international human rights and international humanitarian law.³ Specific concerns include incidents of the use of live ammunition and rubber bullets against un-armed fishermen, arbitrary detention, ill-treatment, illegal confiscation of private property, and impinging upon the fishermen's access to work and a livelihood. While an estimated 35,000 Palestinians depend on the fishing industry as their primary source of income, in 2011 the Food and Agricultural Organization (FAO) recorded an 80 per cent decline in the overall catch since Israel limited the fishing area to three nautical miles.⁴ Israel has not changed its policy regarding agricultural activity within areas in the vicinity of Gaza's borders with Israel. The Secretary-General observes that Israel has yet to fully implement the Mission's recommendations in paragraph 1972(b) of its report. With regard to the most adequate and effective implementation of these recommendations, the Secretary-General observes that Israel should fulfil its commitments pursuant to the Oslo Accords and allow resumption of agricultural activity within the Gaza Strip, taking full account of its international legal obligations and with due regard for its legitimate security concerns.

17. The Secretary-General recalls that certain actions taken by Israel to implement the Mission's recommendation, detailed in paragraph 1972(c) of its report, to initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel were outlined in a previous progress report ([A/HRC/15/51](#)). With regard to ensuring the most adequate and effective implementation, the Secretary-General observes that Israel may wish to further pursue implementation of this recommendation by availing itself of the expertise of ICRC, OHCHR, and other relevant bodies, and Israeli experts and civil society organizations with the relevant expertise and specialization, in order to ensure that the actions it has taken will allow it to fully comply with international humanitarian law and international human rights law.

18. The following information concerns implementation of the recommendation in paragraph 1972(d) of the Mission's report. In April 2012, Israeli authorities instituted less-restrictive measures concerning Palestinian movement to and from Nablus, Tulkarm, Salfit and Ramallah. Still, there were around 540 obstacles to Palestinian movement within the West Bank (excluding the East Jerusalem area of the West Bank). These included 59 permanently-staffed checkpoints (excluding checkpoints on the Green Line), 26 partial checkpoints (staffed on an ad-hoc basis) and around 455 unstaffed physical obstacles.⁵ This does not include extensive obstacles to Palestinian movement to and from East Jerusalem. Israel's severe restrictions on passage through its border crossings with the Gaza Strip continued to limit travel between the West Bank and Gaza. Among other things, such restrictions limited the population of Gaza's access to health services, legal counsel and judicial mechanisms.⁶ Palestinian human rights defenders continue to face difficulties travelling between the Occupied Palestinian Territory and the outside world due to the travel bans imposed by Israel. The Secretary-General observes, with regard to ensuring the most adequate and effective implementation of the Mission's recommendations in paragraph 1972(d) of its report, that Israel should take additional measures to allow freedom of movement for Palestinians throughout the Occupied Palestinian Territory. Such measures should extend to removing obstacles to Palestinian movement, including with respect to limiting travel between the West Bank and Gaza, in accordance with Israel's international human rights commitments and taking account of legitimate security concerns. Such measures should also extend to removing travel bans on Palestinian human rights defenders.

19. In regard to the implementation of the recommendations in paragraph 1972(e) of the Mission's report, at the end of July 2012 approximately 4,500 Palestinians, including 210 children, remained in Israeli prisons.⁷ Two hundred and fifty Palestinians were held in administrative detention by Israel.⁸ Throughout 2012, Palestinian prisoners have undertaken hunger strikes to protest their conditions of detention and treatment by Israeli authorities. Such protests were punctuated by a mass hunger strike, launched on 17 April 2012, in which 1,200 Palestinians reportedly participated. To end this hunger strike, on 14 May 2012 Israel reportedly agreed to end solitary confinement, allow prisoners from Gaza to receive family visits, discuss improved conditions and the conditional non-extension of existing administrative detention orders against certain Palestinians. The Secretary-General reiterates that administrative detention should only be used in exceptional circumstances, in compliance with international human rights and humanitarian law. In general, persons detained must be charged and face trial with all judicial

guarantees, or released without delay. The Secretary-General welcomes reports that family visits for prisoners from Gaza resumed in July 2012 after a five-year suspension.⁷ With regard to ensuring the most adequate and effective implementation of the Mission's recommendations in paragraph 1972(e) of its report, the Secretary-General urges Israel to launch, as a first step, a transparent process to identify Palestinians who are detained in Israeli prisons in connection with the occupation, with a view to their release. The situation of each child detainee should be reviewed as matter of the highest priority. The Secretary-General further urges Israel to undertake a review of its policies and practices related to the treatment of Palestinian detainees, with the objective of ending any discriminatory treatment of such detainees.

20. The Secretary-General observes that the Mission's recommendation in paragraph 1972(f) remains to be fully implemented. At the end of July 2012, fourteen members of the Palestinian Legislative Council (PLC) remained in Israeli detention.¹⁰ PLC member Mr. Abu Teir, who in 2010 was forcibly transferred from East Jerusalem to another part of the West Bank by Israeli security forces and was re-arrested by Israeli authorities in September 2011, is currently being held in administrative detention. Of the three other PLC members who had sought refuge at the premises of the International Committee of the Red Cross (ICRC) in East Jerusalem, Mr. Mohamed Attoun was detained by Israel, on ICRC premises, in September 2011¹¹ and forcibly transferred to another part of the West Bank on 7 December 2011. Mr. Mohamed Totah and Mr. Khaled Abu Arafah were detained by Israel, on ICRC premises, on 23 January 2012.¹² The latter two PLC members were charged with illegal presence in Israel and are currently held by the Israeli authorities. With regard to the most adequate and effective implementation of this recommendation, the Secretary-General refers to his observations in paragraphs 18 and 19 above, concerning freedom of movement for Palestinians in the Occupied Palestinian Territory and the need to release persons detained in Israeli prisons in connection with the occupation.

21. With regard to the implementation of the recommendations in paragraph 1972(g) of the Mission's report, Israel has not established an independent inquiry to assess whether the treatment by Israeli judicial authorities of Palestinian and Jewish Israelis expressing dissent in connection with the offensive was discriminatory. In Israel's parliament, a draft bill amending the *Income Tax Order*,¹³ whereby funding from foreign states for non-profit organizations would be taxed at a rate of 45 per cent, and a draft bill amending the *Associations Act*,¹⁴ which would limit donations from a foreign entity to non-profit organizations to 20,000 NIS per year, were combined into the *Bill on Income of Public Institutions Receiving Donations from a Foreign State Entity (Legislative Amendments)*. This draft bill is currently dormant in Israel's parliament.¹⁵ The amendment to the *Associations Law* is also currently dormant in Israel's parliament.¹⁶ The Secretary-General notes that the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression carried out a mission to Israel and the Occupied Palestinian Territory in December 2011. The Secretary-General refers, in the first instance, to the Special Rapporteur's report on this mission ([A/HRC/20/17/add.2](#)) in relation to the most adequate and effective implementation of the Mission's recommendation in paragraph 1972(g) of its report.

22. The Secretary-General is not aware of any reprisals taken by the Government of Israel against Palestinian or Israeli individuals who cooperated with the Mission. In this regard, the Secretary-General observes that, to date, it appears that the recommendation in paragraph 1972(h) of the Mission's report has been implemented.

23. In regard to the implementation of the recommendation in paragraph 1972(i) of the Mission's report, the United Nations has still not received any formal communication from the Government of Israel reiterating a commitment to respecting the inviolability of United Nations premises and personnel. Information on the subject of reparations was included in the Secretary-General's first progress report on status of implementation of the Mission's recommendations ([A/HRC/13/55](#)). In order to ensure the most adequate and effective implementation of the Mission's recommendation in paragraph 1972(i) of its report, Israel should reiterate its commitment to respecting the inviolability of United Nations premises and personnel.

F. Action by Palestinian armed groups¹⁷

24. The Secretary-General observes that the Mission's recommendation in paragraph 1973(a) of its report has not been implemented. Palestinian armed groups continued to fire indiscriminate rockets and mortar shells at Israel. A total of 752 rockets, including 642 homemade rockets and 110 Grad rockets, and 175 mortar shells were fired toward Israel from 1 July 2011 to 15 June 2012.¹⁸ Rocket and mortar fire toward Israel resulted in the death of one Israeli civilian. One Palestinian child was also killed, and six others injured, by a rocket that landed in Gaza. While the Secretary-General is unable to confirm whether Palestinian armed groups have taken all feasible precautionary measures to avoid harm to Palestinian civilians during hostilities, it has been alleged that such rockets and mortars are often fired from densely populated areas, which would not only endanger Palestinian civilians but would also violate international humanitarian law. Further, such weapons do not discriminate between civilian objects and military objectives, and are therefore contrary to international humanitarian law. The Secretary-General urges Palestinian armed groups to abide by their international humanitarian law obligations, including by renouncing attacks on Israeli civilians and civilian objects and taking all feasible precautionary measures to avoid harm to civilians during hostilities, with a view toward ensuring the most adequate and effective implementation of this recommendation.

25. The Secretary-General notes that, notwithstanding the non-implementation of the Mission's recommendation in paragraph 1973(b) of its report, on 18 October 2011 Israeli Staff Sergeant Gilad Shalit was released in exchange for hundreds of Palestinians detained by Israel.¹⁹

G. Action by responsible Palestinian authorities

26. With respect to the implementation of the recommendations in paragraph 1974(a) of the Mission's report, in a meeting with Palestinian Security Service in February 2011, OHCHR was informed that on 31 December 2010 the decision to stop the use of military courts for civilians had entered into force. Thus, all detainees would be tried by civilian courts with the exception of those held prior to that date. The Secretary-General recalls his previous reporting on progress implementing the Mission's recommendations in paragraph 1974(a) of its report ([A/HRC/13/55](#)), and observes that, to date, it appears that notable progress has been made in implementing this recommendation.

27. The following concerns the implementation of the recommendation in paragraph 1974(b) of the Mission's report. The de facto authorities in Gaza continue to detain Fatah members and supporters. They also continue to summon and interrogate Fatah members and supporters regarding their political activities. At times this extends to harassment and/or ill-treatment by the security officers of the de facto authorities in Gaza.²⁰ For instance, on 3 July 2012 the "Internal Security Apparatus" (ISA) summoned and subsequently detained and interrogated a 33-year-old Fatah activist from Khan Younis. According to information collected by OHCHR, he was held without charge until 2 August and was ill-treated.²¹ In the West Bank, Palestinian Authority security agencies continue to arbitrarily arrest and detain Palestinians affiliated with Islamist parties, demonstrators supporting the "Arab Spring" and Palestinian reconciliation, and journalists critical of the Palestinian Authority. Cases documented by OHCHR concern incidents of arrest and detention without a warrant and without informing the person(s) of the charges against them. The Secretary-General observes that, with a view toward ensuring the most adequate and effective implementation of the Mission's recommendation in paragraph 1974(b) of its report, the Palestinian Authority and the de facto authorities in Gaza should launch, as a first step, a transparent process to identify Palestinian political detainees currently in their power, with a view to their release. Further, the Palestinian Authority and the de facto authorities in Gaza should desist from further arrests on political grounds.

28. In regard to the implementation of the recommendation in paragraph 1974(c) of the Mission's report, efforts to limit freedom of expression and the work of civil society organizations persist in the West Bank and Gaza. In August 2010, a Hamas bloc in the PLC adopted a draft bill that would enable it to control the Independent Commission for Human Rights (ICHR). The bill was officially published in December 2010, but has not yet been enforced.²² In January 2011, the de facto authorities in Gaza stated that ICHR is not legally qualified to operate.²³ In July 2011, Gaza authorities formally dissolved the Sharek Youth Forum, alleging that it lacked required operating licenses.²⁴ The Secretary-General observes that, to date, the Mission's recommendation in paragraph 1974(c) of its report has not been implemented. In order to ensure the most adequate and effective implementation of this recommendation, the Palestinian Authority and the de facto authorities in Gaza should, as a first step, address the concerns raised in this and previous reports on the status of implementation of paragraph 1974(c) of the Mission's report ([A/HRC/13/55](#); [A/HRC/15/51](#); [A/HRC/18/49](#)).

H. Action by the international community²⁵

29. The Secretary-General is not aware of any further action taken since his previous progress report ([A/HRC/18/49](#)) to implement the recommendation in paragraph 1975(a) of the Mission's report. In relation to the most adequate and effective implementation of this recommendation, the Secretary-General, in the first instance, refers to the developments reported in paragraph 9 above.

30. The following relates to the implementation of the recommendation in paragraph 1975(b) of the Mission's report. The United Nations Children's Fund (UNICEF) reports the receipt of USD 11,412,192 from donors to support its efforts to protect and provide psychosocial support to Palestinian families and children. Such efforts include partnering with non-governmental organizations (NGOs) to deploy emergency psychosocial teams, consisting of 11 in the West Bank and five in Gaza, which reach 17,460 children and 7,970 caregivers. These teams are composed of 25 community-based psychologists, educators and legal counsellors. In the first half of June 2012, emergency psychosocial support services were provided to 3,574 children in Gaza and 5,449 children in the West Bank. Additionally, in Gaza 21 family centres provide psychosocial, educational and recreational services for the benefit of 23,000 Palestinian children. While in-depth counselling is provided to 1,501 children, holistic support services are provided for 11,899 children and 6,527 caregivers. In addition, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reports that children who suffered from trauma after Operation Cast Lead were initially supported through a special initiative under the UNRWA Community Mental Health Programme. After completing targeted counseling in late 2009, children who continued to show symptoms were given additional care through existing counseling activities in UNRWA schools throughout Gaza. Furthermore, the World Health Organization (WHO) reports that it has continued to provide technical advice and training in relation to the national mental health strategic plan, including by supporting the integration of mental health in primary health care services by training 450 doctors and nurses and the establishment of family associations in both the West Bank and the Gaza Strip. WHO further reports that, under its leadership, the Health and Nutrition Cluster in the Occupied Palestinian Territory conducted a needs assessment in 2011, which identified mental health and psychosocial support as a programmatic priority for the health sector in Gaza. WHO referred to a March 2012 assessment which indicated that 40 per cent of 1,831 persons surveyed are experiencing significant symptoms of anxiety, 41 per cent are experiencing deep feelings of hopelessness, and 41 per cent are experiencing significant symptoms of depression. Against this backdrop, WHO noted that it is anticipated that the Cluster will provide mental health and psychosocial support services to around 20,000 people in Gaza in 2012.

31. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1975(b) of the Mission's report is on-going. With a view toward ensuring the most adequate and effective implementation of this recommendation, donor countries and assistance providers should continue to step up financial and technical assistance for organizations providing psychological support and mental health services to the Palestinian population.

32. In relation to the implementation of the recommendation in paragraph 1975(c) of the Mission's report, Palestinian and Israeli human rights organizations continue to actively monitor and document violations of human rights and international humanitarian law across the Occupied Palestinian Territory. Much of this work relies on financial assistance from international sources. In response to informal queries from OHCHR, neither Israeli nor Palestinian NGOs have reported any major changes in their funding as of the publication of the present report. In addition, OHCHR continues to lead the Protection Cluster in the Occupied Palestinian Territory. This Cluster includes Palestinian and Israeli NGOs that monitor, document, share information, report and carry out advocacy relating to, inter-alia, violations of and accountability for human rights and international humanitarian law in access restricted areas in Gaza and settler violence in the West Bank. UNICEF continues to lead the inter-agency Working Group that reports to the Security Council's Working Group on Children and Armed Conflict. The Working Group submitted six reports to the Security Council in 2011 that documented grave violations against children in the Occupied Palestinian Territory by Israeli security forces and Palestinian armed groups, as well as abuses by Israeli settlers. In 2011, UNICEF reported a significant increase in children being killed or injured in relation to the Israeli-Palestinian conflict. Twenty Palestinian children were killed and 448 were injured, while five Israeli children were killed and two were injured. Further, UNICEF recorded thirty-six cases of Palestinian schools being attacked, resulting in interruption of education, damage to educational facilities and/or injury to Palestinian children. UNICEF also provides direct support to Palestinian and Israeli human rights organizations to strengthen their capacity to document human rights violations, and is currently working to reinforce these efforts.

33. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1975(c) of the Mission's report is on-going. With a view toward ensuring the most adequate and effective implementation of this recommendation, donor countries and assistance providers should continue to support the work of Palestinian and Israeli human rights organizations in documenting and publicly reporting on violations of human rights and international humanitarian law, and advising relevant authorities on their compliance with international law.

34. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1975(d) of the Mission's report is on-going. On 11 April 2012, the Quartet issued a [statement](#) that, among other things, called on the Palestinian Authority to continue to make every effort to improve law and order, fight violent extremism, and end incitement, expressed concern regarding Israeli settler violence and incitement in the West Bank, and called on Israel to take effective measures, including bringing the perpetrators of such acts to justice. The Quartet expressed further concern regarding unilateral and provocative actions by either party, including continued Israeli settlement activity. In stressing the need for calm and security for Palestinians and Israelis, the Quartet condemned rocket attacks from Gaza.²⁴ The Secretary-General further observes that, in order to ensure the most adequate and effective implementation of this recommendation, States involved in peace negotiations between Israel and representatives of the Palestinian people, including through the Quartet, should use all opportunities to ensure that respect for the rule of law, international law and human rights are advanced through such negotiations.

35. The Secretary-General is not aware of developments further to what was communicated in his previous report ([A/HRC/18/49](#)) in relation to the recommendation in paragraph 1975(e) of the Mission's report. In regard to the most adequate and effective implementation of this recommendation, the Secretary-General would refer to the initiatives of the United Nations Environmental Programme noted in previous progress reports ([A/HRC/13/55](#) and [A/HRC/18/49](#)) and would, in the first instance, encourage relevant actors to implement the recommendations and proposals detailed therein.

I. Action by the international community and responsible Palestinian authorities

36. The Secretary-General observes that, to date, no mechanism has been established to track, receive and allow disbursement of funds for the reconstruction of Gaza, pursuant to the Mission's recommendation in paragraph 1976(a) of its report. UNRWA reports that United Nations agencies find it difficult to effectively access and use funds pledged at the International Conference on the Palestinian Economy and Gaza Reconstruction in March 2009, for construction activities for the benefit of the civilian population. UNRWA notes that it has now received USD 69.9 million from one donor, which had been pledged at the International Conference to support rehousing Palestinians displaced from their homes due to the conflict. UNRWA also reports that it has proposed to Israeli authorities a streamlined process of project approvals and transfers of construction supplies, through the crossings established under the Agreement on Movement and Access of 2005, with a view toward expediting the implementation of construction and reconstruction projects. With regard to the most adequate and effective implementation of this recommendation, the Secretary-General encourages the international community to work with responsible Palestinian authorities to establish such a mechanism.

37. The Secretary-General noted in his previous progress reports ([A/HRC/15/51](#) and [A/HRC/18/49](#)) that he was not aware of any action taken by responsible Palestinian authorities or Palestinian structures in response to the recommendation in paragraph 1976(b). This continues to be the case. However, UNRWA reports that it continues to work with local organizations to ensure that patients who sustained injuries during Operation Cast Lead receive prosthetic devices and artificial limbs. UNRWA also continues to provide community organizations with financial assistance and technical advice to help deliver services to target groups, and to deliver direct psychosocial support, physiotherapy, occupational therapy and assistive devices to affected individuals and families. In addition, WHO notes that, in 2010 and 2011, 2,421 Palestinians were referred outside of the Gaza Strip to receive specialized health services, thus indicating serious gaps in access to health care for patients from Gaza who suffered injuries during the Gaza conflict. WHO reports that, in its 2011 needs assessment, the Health and Nutrition Cluster identified support to people with disabilities as a programmatic priority for the health sector in Gaza for 2012. In this connection, the Cluster developed a strategy to provide health care and rehabilitation services to around 5,400 people in Gaza with disabilities. WHO also notes that, as of May 2012, only 36 per cent of the Cluster projects had been funded.

38. The Secretary-General observes that, due especially to the efforts of UNRWA and WHO, the implementation of the recommendation contained in paragraph 1976(b) of the Mission's report is on-going. With a view toward ensuring the most adequate and effective implementation of this recommendation, responsible Palestinian authorities and structures should initiate efforts to provide the necessary medical treatment and follow up to persons with disabilities, and

international aid providers should continue to support efforts in this regard.

J. Action by the international community, Israel and Palestinian authorities

39. The Secretary-General is not aware of any developments further to what was communicated in his previous report ([A/HRC/18/49](#)) in relation to the implementation of the recommendation in paragraph 1977(a) of the Mission's report. During his visit to the region in February 2012, the Secretary-General met with Palestinian civil society activists, many of whom voiced scepticism about the peace process and frustration regarding the lack of Palestinian unity and the impact of Israeli settlements on their daily lives.²⁷ In order to ensure the most adequate and effective implementation of the Mission's recommendation in paragraph 1977(a) of its report, the Secretary-General urges Israel, representatives of the Palestinian people and international actors to reinforce efforts to involve Israeli and Palestinian civil society, especially women in accordance with Security Council resolution 1325 (2000), in the peace process.

40. With regard to the implementation of the recommendation in paragraph 1977(b) of the Mission's report, UNRWA reports that it continues to provide women whose homes were damaged or demolished during Operation Cast Lead with cash assistance and rental subsidies. Cash subsidies have been disbursed to enable female-headed households who had their homes or shelters damaged to pay for repairs. In cases where homes or shelters were completely destroyed, UNRWA continues to pay one-year rental subsidies. Women continue to account for approximately one-third of employees in UNRWA's Job Creation Programme. Since Operation Cast Lead, several Gaza Women Programme Centres supported by UNRWA have offered psychosocial and legal support to women. The Secretary-General observes that, due to the efforts of UNRWA, the implementation of the recommendation contained in paragraph 1977(b) of the Mission's report is on-going. The Secretary-General further observes that, in order to ensure the most adequate and effective implementation of this recommendation, international aid providers should ensure sufficient financial support for such efforts.

K. Action by the Secretary-General

41. In relation to the implementation of the recommendation in paragraph 1978 of the Mission's report, OHCHR and the Office of the United Nations Special Coordinator for the Middle East Peace Process are working in close cooperation on an on-going basis. Such cooperation extends to the provision of expertise to identify and respond to human rights issues, including for the purposes of briefings to the Security Council²⁸ and in the broader context of the peace process. In addition, United Nations partners in the Occupied Palestinian Territory have developed an integrated strategic framework that addresses human rights, including with respect to the peace process. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1978 of the Mission's report is occurring on an on-going basis.

L. Action by the Office of the United Nations High Commissioner for Human Rights

42. With regard to the implementation of the Mission's recommendation in paragraph 1979(a) of its report, OHCHR continues to monitor and report on the human rights situation in the Occupied Palestinian Territory. Any situation of concern regarding persons who cooperated with the Mission would be identified and addressed by OHCHR through such activities. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1979(a) of the Mission's report is occurring on an on-going basis.

43. The High Commissioner for Human Rights' most recent report on the implementation of Human Rights Council resolutions S-9/1 and [S-12/1](#) ([A/HRC/19/20](#)) contains information relevant to the status of implementation of many of the Mission's recommendations. The Secretary-General observes that the implementation of the recommendation contained in paragraph 1979(b) of the Mission's report is occurring on an on-going basis.

Endnotes

¹The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of the Child.

²On 3 May 2012 OHCHR, on behalf of the Secretary-General, sent a note verbale to the Permanent Mission of Israel to the United Nations Office at Geneva, requesting information regarding measures taken or envisaged to be taken in order to implement the recommendations directed to the State of Israel, as well as information concerning non-implementation and measures required to ensure the most adequate and effective implementation of the said recommendations. No response had been received as of the finalization of this report.

³OHCHR's concerns in this regard are detailed in the report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and [S-12/1](#) ([A/HRC/19/20](#)).

⁴Information received from FAO as of 3 April 2012.

⁵Information received from OCHA.

⁶High Commissioner for Human Rights, Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions [S-9/1](#) and [S-12/1](#), A/HRC/19/20.

⁷Figures from Addameer, available at http://www.addameer.org/detention/current_stats.html, and B'Tselem available at http://www.btselem.org/statistics/detainees_and_prisoners.

⁸ Ibid.

⁹ICRC, Gaza: ICRC facilitates first family visits for five years, News release, 16 July 2012, available at <http://www.icrc.org/eng/resources/documents/news-release/2012/israel-palestine-news-2012-07-16.htm>.

¹⁰See Addameer, *ibid*.

¹¹ICRC, Jerusalem: member of Palestinian Legislative Council arrested, News release, 26 September 2011, available at <http://www.icrc.org/eng/resources/documents/news-release/2011/palestine-news-2011-09-26.htm>.

¹²ICRC, Jerusalem: former minister for Jerusalem Affairs and PLC member arrested, News release, 23 January 2012, available at <http://www.icrc.org/eng/resources/documents/news-release/2012/israel-palestine-news-2012-01-23.htm>

¹³Available at <http://www.acri.org.il/en/wp-content/uploads/2011/07/Kirshenbaum-Income-Tax-ENG.doc>, last visited 21 July 2011

¹⁴"The Akunis bill is titled "Associations Law (amendment - prohibition on foreign state entities' support for political associations in Israel), 5771-2011," available in Hebrew here: <http://www.knesset.gov.il/privatelaw/data/18/3140.rtf>

¹⁵See Association for Civil Rights in Israel, Update: Anti-Democratic Legislative Initiatives, 5 February 2012, available at <http://www.acri.org.il/en/2012/02/05/update-anti-democratic-legislation-initiatives/>. An English translation of the draft bill is available here <http://www.acri.org.il/en/wp-content/uploads/2011/12/AkounisKirshenbaumhybrid.pdf>.

¹⁶"Associations Law, 5740-1980": Statute Book 5740, p. 127; the current title of this amendment is Association Law (amendment – reservations regarding the registration and activity of an association), 5770-2010," available in Hebrew at: <http://www.knesset.gov.il/privatelaw/data/18/2456.rtf>. See Association for Civil Rights in Israel, Update: Anti-Democratic Legislative Initiatives, 5 February 2012, *ibid*.

¹⁷On 3 May 2012 OHCHR, on behalf of the Secretary-General, sent a note verbale to the Permanent Observer Mission of the National Palestinian Authority to the United Nations Office at Geneva, requesting information regarding measures taken or envisaged to be taken in order to implement the recommendations directed to "Responsible Palestinian authorities," "Palestinian authorities" and "Palestinian Armed Groups," as well as information concerning non-implementation and measures required to ensure the most adequate and

effective implementation of the said recommendations. No response had been received as of the finalization of this report.

¹⁹Data made available by the United Nations Department of Safety and Security to OHCHR on 17 June 2012.

²⁰Statement attributable to the Spokesperson for the Secretary-General on the release of Israeli Staff Sergeant Gilad Shalit and hundreds of Palestinian prisoners, New York, 18 October 2011, available at <http://www.un.org/sg/statements/?nid=5616>.

²¹See PCHR. "PCHR Gravely Concerned over the Internal Security Service's Summons against Fatah Members in the Gaza Strip," Press Release on 27 March 2012. Available at http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=8293:pchr-gravely-concerned-over-the-internal-security-services-summons-against-fatah-members-in-the-gaza-strip-&catid=36:pchrpressreleases&Itemid=194

²²Case monitored and documented by OHCHR, 8 July and 7 August 2012.

²³OHCHR monitoring of the situation in Gaza.

²⁴*Maan News Agency*, "Gaza ministry slams rights group report," 8 January 2011, available at <http://www.maannews.net/eng/ViewDetails.aspx?ID=349347>

²⁵Al-Mezan and Al-Dameer, Al Mezan and Al Dameer Call on the Minister of Interior to Reconsider His Decision Dissolving Sharek Forum Youth. On 19 July 2011. Available at http://www.mezan.org/en/details.php?id=12347&ddname=Association&id2=9&id_dept=31&p=center

²⁶In order to gather information regarding the status of implementation of the recommendations contained in paragraphs 1975, 1976 and 1977 of the Mission's report, OHCHR addressed letters to United Nations agencies working in the Occupied Palestinian Territory. The information regarding these recommendations is based on replies received.

²⁷Statement of the Middle East Quartet, Washington, DC, 11 April 2012, available at <http://www.unsco.org/Documents/Statements/Quartet/2008/STATEMENT%20OF%20THE%20MIDDLE%20EAST%20QUARTET%2011%20April%202012.pdf>.

²⁸See Secretary-General, [Briefing](#) to the Security Council, 8 February 2012.

²⁹See, e.g., Assistant Secretary-General for Political Affairs, [Briefing](#) to the Security Council, 24 January 2012; Secretary-General, [Briefing](#) to the Security Council, 8 February 2012; Under Secretary-General for Political Affairs, [Briefing](#) to the Security Council, 28 February 2012; Special Coordinator for the Middle East Peace Process, [Briefing](#) to the Security Council, 27 March 2012; Under Secretary-General for Political Affairs, [Briefing](#) to the Security Council, 23 April 2012; Special Coordinator for the Middle East Peace Process, [Briefing](#) to the Security Council, 29 May 2012; Special Coordinator for the Middle East Peace Process, [Briefing](#) to the Security Council, 25 July 2012; Assistant Secretary-General for Political Affairs, [Briefing](#) to the Security Council, 19 June 2012; and Under Secretary-General for Political Affairs, [Briefing](#) to the Security Council, 22 August 2012.