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Annual report of the United Nations High Commissioner for Human Rights and  
reports of the Office of the High Commissioner and the Secretary-General  
Human rights situation in Palestine and other occupied Arab territories

### Advance Unedited Version

## 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\*

### *Summary*

The present report is the High Commissioner's fifth periodic report on the human rights situation in the Occupied Palestinian Territory submitted in the light of Human Rights Council resolutions S-9/1 and S-12/1.

\* Late submission.

### I. Introduction

1. This is the High Commissioner's fifth periodic report on the human rights situation in the occupied Palestinian territory (oPt).<sup>1</sup> The report covers the period from 16 November 2011 to 29 November 2012. The information in the present report is based primarily on human rights monitoring carried out by the field presence of the Office of the United Nations High Commissioner for Human Rights in the oPt (OHCHR-oPt). Monitoring activities are implemented within the framework of General Assembly resolution 48/141 of 1993 and Human Rights Council resolutions S-9/1 and S-12/1 of 2009.
2. In the present report, the High Commissioner highlights issues of concern with regard to each of the main duty-bearers in the oPt, namely the Government of Israel, the Palestinian Authority and the de facto authorities in Gaza (DFA). The issues addressed do not exhaustively cover all human rights concerns in the oPt. The report focuses on areas requiring priority attention by duty-bearers, and should be read in conjunction with two recent reports by the Secretary-General (A/67/372 and A/67/375), which address additional issues not dealt with in the present report.
3. The addendum to this report covers issues of concern arising from the escalation in hostilities in Gaza and southern Israel between 14 and 21 November 2012, referred to by Israel as "Operation Pillar of Defence," and referred to in this report as "the crisis". During the crisis, according to information available to OHCHR, a total of 174 Palestinians were killed. At least 168 of them were killed by Israeli military action, of whom 101 are believed to be civilians, including 33 children, and 13 women. Hundreds of Palestinians were injured.<sup>2</sup> Palestinian armed groups fired over 1500 rockets at Israel, reportedly killing three soldiers and four Israeli civilians.<sup>3</sup> According to the Government of Israel, 239 others, including 219 civilians, were injured.<sup>4</sup> OHCHR closely monitored the situation and noted, on numerous occasions, the failure of both parties to respect the laws of war, including the principles of distinction, proportionality and precautions.
4. It should be noted that in March 2012 the Government of Israel announced in the media that its relations with the Human Rights Council and with OHCHR would be suspended following the Human Rights Council's adoption of a resolution establishing a fact finding mission on Israeli settlements. This decision was confirmed in letters of 14 May 2012 from the Permanent Representative of Israel to the United Nations in Geneva to the High Commissioner and the President of the Council.

The High Commissioner responded noting her surprise at this unprecedented decision, urging the Government to reconsider its position and reaffirming OHCHR's readiness to engage with Israel. There was no formal change in Israel's position during the remainder of the reporting period.

<sup>1</sup> Previous reports: A/HRC/19/20, A/HRC/16/71, A/HRC/13/54, A/HRC/12/37.

<sup>2</sup> Figure varies according to source. The numbers cited refer to the Protection Cluster database on casualties, for which Palestinian and Israeli organizations provided data. The IDF, according to media, estimate the number of Palestinians killed at 177, including 120 combatants and the number of injuries (including unspecified number of civilians) at 900. Gaza's Ministry of Health (MoH) estimates the number of Palestinians killed at 189, and injuries at 1526. No details on casualties of civilians are provided by MoH. For IDF figures see Times of Israel, <http://www.timesofisrael.com/several-casualties-in-explosion-in-central-tel-aviv/>. For Gaza MoH figures, see Ma'an News Agency, 27 December 2012, <http://maannews.net/arb/ViewDetails.aspx?ID=551374>.

<sup>3</sup> According to the Government of Israel, one Israeli civilian was located at a legitimate military objective. See [http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Memorial/2012/GazaNov2012/Alayaan\\_Salem\\_al-Nabari.htm](http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Memorial/2012/GazaNov2012/Alayaan_Salem_al-Nabari.htm).

<sup>4</sup> Ministry of Foreign Affairs (MOFA), Israel under fire - November 2012, November 22, 2012, [http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Hamas+war+against+Israel/Israel\\_under\\_fire-November\\_2012.htm](http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Hamas+war+against+Israel/Israel_under_fire-November_2012.htm).