



DIVISION FOR  
PALESTINIAN RIGHTS

# Bulletin

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

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**Bulletin**  
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*The Bulletin can be found in the United Nations Information System  
on the Question of Palestine (UNISPAL) on the Internet at:  
<http://unispal.un.org>*

## **I. HIGH COMMISSIONER FOR HUMAN RIGHTS ISSUES REPORT ON PALESTINIAN HUMAN RIGHTS**

*On 2 March 2015, United Nations High Commissioner for Human Rights Ziad Ra'ad Al Hussein issued a periodic report on the human rights situation in the Occupied Palestinian Territory in implementation of Human Rights Council resolutions S-9/1 and S-12/1. The following are the recommendations contained in the report (A/HRC/28/80):*

### **A. Government of Israel**

70. The High Commissioner recommends that the Government of Israel take all possible measures:

(a) To ensure full respect of its obligations under international humanitarian law, particularly obligations governing the conduct of hostilities, such as the principles of distinction, proportionality and precaution, and international human rights law in the Occupied Palestinian Territory, as well as full accountability for violations of the said obligations;

(b) Lift the blockade of Gaza in order to halt the ongoing punitive measures against civilians; measures should be taken to ensure the freedom of movement of civilians and the transfer of goods into and out of, and within, Gaza, including materials necessary for its reconstruction, in accordance with international law and with due regard to security concerns;

(c) Ensure that the use of force by the Israeli security forces in situations other than hostilities, including in the areas of restricted access, is in compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and allow for an independent assessment and review of open fire regulations and the rules of engagement to ensure their compatibility with international law;

(d) Carry out prompt, effective, independent, impartial, thorough and transparent investigations of alleged

unlawful killings and injuries of Palestinians, and of allegations of torture and ill-treatment, allowing for meaningful participation of victims and their relatives and for public scrutiny; and ensure that perpetrators are brought to justice and that victims have access to an effective remedy;

(e) Halt any plans that would result in the forcible transfer of Palestinian Bedouin communities and herders currently residing in Area C of the West Bank;

(f) Ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner, and that perpetrators are brought to justice and victims have access to an effective remedy;

(g) Implement UNICEF recommendations that remain unimplemented, and those made by the Committee on the Rights of the Child with regard to Palestinian children in Israeli detention;

(h) Either charge and bring to trial or release any person in administrative detention, and put an end to the administrative detention regime in its current form in Israel.

## **B. Government of the State of Palestine**

71. The High Commissioner recommends that the Government of the State of Palestine:

(a) Take measures to respect and protect the rights of persons deprived of their liberty, particularly the rights to physical integrity, to a fair trial and to due process of law;

(b) Conduct prompt, effective, independent, impartial, thorough and transparent investigations of allegations of torture and ill-treatment, and ensure that perpetrators are brought to justice and victims have access to an effective remedy;

(c) Either charge and bring to trial or release all detainees under the governor orders, and end the practice of detentions based on governor orders;

(d) Ensure periodic and effective judicial review of a person's detention in all cases, without exception;

(e) Take all necessary measures to ensure that perpetrators of all acts involving violence against women, including so-called "honour killings", are prosecuted and appropriately sentenced; for instance, amend article 99 of the Penal Code to prevent mitigating circumstances leading to impunity for such crimes.

## **C. Authorities in Gaza**

72. The High Commissioner calls upon the authorities in Gaza:

(a) To respect international humanitarian law, particularly the principles of distinction, proportionality and precaution, and to ensure accountability for violations;

(b) To take all the necessary measures to ensure that the rights of persons deprived of liberty are respected, including by ensuring effective, independent, impartial, thorough and transparent investigations into allegations of torture and ill-treatment, and to ensure that perpetrators are brought to justice and that victims have access to an effective remedy;

(c) To conduct prompt, effective, independent, impartial, thorough and transparent investigations on allegations of summary executions and cases of death of persons in the custody of the authorities;

(d) To refrain from unlawful restrictions on the freedoms of expression and of peaceful assembly.

## **D. Palestinian armed groups in Gaza**

73. The High Commissioner calls upon Palestinian armed groups in Gaza to respect international humanitarian law, particularly the principles of distinction, proportionality and precaution, and to ensure accountability for violations.

## **II. SPECIAL COORDINATOR FOR THE MIDDLE EAST PEACE PROCESS MAKES FINAL VISIT TO GAZA**

*On 2 March 2015, United Nations Special Coordinator for the Middle East Peace Process Robert Serry issued the following statement on his final visit to Gaza:*

During my final visit to Gaza on 1-2 March in my current capacity as United Nations Special Coordinator, I met with many of the people I have worked with during my tenure. After seven years and three wars in Gaza – with the last one leaving the Strip devastated – I can honestly say that for the UN and for myself, Gaza has always been a top priority. I wish I could say the same for everyone. After each war, we have had to pick up the pieces. Three times UN agencies, with UNRWA and UNDP in the lead, have been providing vital humanitarian and development assistance to the people of Gaza.

I am encouraged that some progress is now being made as part of the temporary Gaza Reconstruction Mechanism (GRM). To date, over 72,000 households have been cleared to receive construction material – this means that almost three quarters of the estimated 100,000 households in need are being helped – and around 55,000 have actually purchased material to rebuild their homes. I visited today a refugee family in Shejaiya neighbourhood and personally witnessed how the GRM is helping the rebuilding of their home.

However, I fully understand the frustration of people in Gaza with the overall slow pace of reconstruction. Many of those who now have access to building material lack the money to buy them or to carry out the works. One month ago, UNRWA had to suspend cash payments to refugee families because of the lack of donor support. The situation for non-refugees is even worse. Only a small percentage of the USD 5.4 billion pledged at

the Cairo Reconstruction Conference has actually been disbursed. This is, frankly, unacceptable.

I am worried that Gaza is more isolated than ever, with many restrictions still in place at Israeli crossings for both goods and people and with the Rafah crossing practically closed. The GRM is only a temporary measure to relieve acute needs and we, in the UN, have always been in the forefront in calling for an end to the blockade as a prerequisite for a stable, functioning economy in Gaza. You also cannot have a stable, functioning economy without a more durable ceasefire and a recognized, legitimate and inclusive Government leading Gaza's recovery.

During the last years, I have been closely involved in efforts to preserve calm and de-escalate tensions, in particular during the last war. The UN has been among the first to welcome and support the Government of National Consensus (GNC) in assuming its rightful responsibilities in Gaza. However, six months after the ceasefire that ended the last war, I am deeply concerned that not enough progress is being made to address Gaza's underlying issues.

The rehabilitation of Gaza will take years and for that we need time and a commitment from all concerned parties for a long-term "reconstruction hudna", under the umbrella of the GNC, to which all Palestinian factions should be committed. During my visit, I have been urging my counterparts in Gaza to commit themselves to what will be needed from their side -- a multi-year freeze to military activities above

and below ground. I have received indications that they are willing to consider this, provided the other parties respond in further opening crossings to enable Gaza's full and accelerated recovery and reconstruction.

I urgently call on all stakeholders, including the GNC, Palestinian factions, Israel, Egypt, the international community

and donors, to change their failed policies and adopt a "Gaza first" strategy. Gaza is a political problem which must be addressed as part of ending the occupation and achieving a two-state solution. I am convinced that there can be no peace without addressing Gaza's needs first. I will brief the Security Council in late March for the last time and underline the need for prioritizing Gaza.

### **III. PALESTINIAN RIGHTS COMMITTEE REPORTS ON THE 2014 INTERNATIONAL YEAR OF SOLIDARITY WITH THE PALESTINIAN PEOPLE**

*On 4 March 2015, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Amb. Fodé Seck of Senegal, transmitted a report on the 2014 International Year of Solidarity with the Palestinian People to the President of the General Assembly. The report is reproduced below (A/69/819):*

#### **I. Introduction**

1. In its resolution 68/12 of 26 November 2013, the General Assembly proclaimed 2014 the International Year of Solidarity with the Palestinian People and requested the Committee to organize related activities in cooperation with Governments, United Nations organizations, intergovernmental organizations and civil society organizations. This decision came one year after the 2012 decision of the General Assembly to admit Palestine as an Observer State to the United Nations.

2. The objective of the International Year was to promote solidarity with the Palestinian people and generate further momentum and international support for the realization of their inalienable rights. The Year contributed through various activities and programmes organized by Member States, United Nations agencies, funds and programmes, civil society organizations and other partners to keeping the following elements at the top of the international agenda:

(a) The core themes regarding the question of Palestine, including the inalienable rights of the Palestinian people, primarily the right to self-determination and independence;

(b) Support for the peace process towards a permanent settlement in accordance with international law and the relevant resolutions of the United Nations;

(c) Obstacles to the peace process, particularly those requiring urgent action, such as settlements, the situation in Jerusalem, the blockade of Gaza and the humanitarian situation in the Occupied Palestinian Territory;

(d) Mobilization of international, regional and national action towards the achievement of a comprehensive, just and lasting solution to the question of Palestine, in accordance with the relevant Security Council resolutions.

Given the paramount importance of the issue of Palestinian political prisoners, the Committee also promoted an in-depth

analysis of the status of these prisoners in accordance with international law, examining the issue in the context of the peace process, and identified practical steps to promote a solution.

3. In its 2014 programme of work the Committee proposed to organize the following events, all of which incorporated a segment devoted to the International Year:

(a) A high-level meeting with the League of Arab States and the Committee, to be held in Cairo;

(b) A United Nations seminar on assistance to the Palestinian people, to be held in Nairobi;

(c) A United Nations international meeting on the question of Palestine, to be held in Quito;

(d) A round table on the legal aspects of the new international status of the State of Palestine and on the status of Palestinian political prisoners under international law, to be held at the United Nations Office at Geneva.

4. During the reporting period, the activities of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and its Bureau focused on bringing the attention of the international community to the 2014 International Year of Solidarity with the Palestinian People, mobilizing support for ending the Israeli occupation and realizing the two-State solution, in order for the Palestinian people to achieve their inalienable rights, including the right to self-determination. The Committee monitored the situation on the ground and the political developments, implemented its programme of international meetings and conferences, and held consultations with representatives of Governments, national parliaments,

interparliamentary organizations and civil society.

5. The International Year was launched on 16 January 2014 by the President of the General Assembly and Deputy-Secretary-General Jan Eliasson. The secretariat of the Committee sent notes verbales and letters to Member States, international organizations and civil society organizations to inform about the International Year and mobilize participation.

## **II. Activities organized by the Committee**

6. In addition to its periodic meetings, the Committee organized the following events at Headquarters within the framework of the International Year:

(a) Screening of the documentary film *Where Should the Birds Fly?*, followed by a discussion, on 20 January;

(b) Screening of the Academy Award-nominated documentary film *5 Broken Cameras*, followed by a discussion, on 19 February;

(c) Briefing by a representative of Defence for Children International Palestine, on 24 February;

(d) Screening of the Academy Award-nominated film *Omar*, followed by a discussion, on 1 May;

(e) Screening of *Flying Paper*, a documentary on Palestinian youth in Gaza, followed by a briefing by the Director of Operations in Gaza of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and a discussion with the film's director, on 21 May;

(f) Special meeting of the Committee to commemorate the tenth anniversary of the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, on 9 July;

(g) Briefing by Hanan Ashrawi, Member of the Palestinian Legislative Council and Member of the Palestine Liberation Organization Executive Committee, on 2 September;

(h) Lecture by Noam Chomsky on the prospects for resolving the Israeli-Palestinian conflict, on 14 October;

(i) Fashion show by Palestinian-Italian designer Jamal Taslaq, on 11 November.

7. The annual commemoration of the International Day of Solidarity with the Palestinian People took place on 29 November. In 2014, the President of the General Assembly, the President of the Security Council, the Secretary-General of the United Nations and the Commissioner-General of UNRWA attended the special meeting of the Committee. In the evening, a special photo exhibition by UNRWA was opened by the Committee Chair and the Commissioner-General of UNRWA. The Secretary-General and the State Secretary for Foreign Affairs of Sweden spoke on that occasion. The exhibit opening was followed by a cultural event showcasing the Joubbran Trio, an internationally acclaimed trio of oud players.

8. Outside New York, on 10 March, the Committee held a joint meeting with the League of Arab States at its headquarters in Cairo aimed at reinforcing the critical support of all Arab States for the International Year of Solidarity with the Palestinian People. The Cairo Declaration, a

Joint Declaration by the Committee and the League of Arab States, was adopted at the end of the meeting.

9. The following international events within the framework of the International Year were held under the auspices of the Committee:

(a) United Nations International Meeting on the Question of Palestine in Quito on 25 and 26 March, with a focus on the recognition of the State of Palestine by countries in the region and support for the two-State solution. On the margins, the Committee delegation met with Ricardo Patirio, Minister for Foreign Affairs and Political Integration of Ecuador, and other senior officials at the Ministry of Foreign Affairs and the Ecuadorian Parliament;

(b) United Nations Meeting of Civil Society in Support of Israeli-Palestinian Peace in Quito on 26 March, where, representatives of civil society expressed the need for a “dialogue for peace” between Israelis and Palestinians. Diasporas in Uruguay and Chile provided examples of civil society ready to overcome prejudice to find common ground and bring the two communities closer together, rather than thinking of one another as enemies;

(c) United Nations Roundtable on Legal Aspects of the Question of Palestine, which focused on the legal status of the State of Palestine and the ramifications for administrative detainees and other Palestinian prisoners in Israeli detention facilities. This meeting was held at the United Nations Office at Geneva on 24 and 25 April. On the margins of the round table, the Committee delegation held meetings with senior officials of the Office of the United Nations High Commissioner for Human Rights, the United Nations Conference on Trade and Development and



the International Committee of the Red Cross. While in Geneva, the delegation also met with the Director-General of the World Health Organization and the Acting Secretary-General of the Inter-Parliamentary Union;

(d) International Meeting on the Question of Jerusalem, jointly organized with the Organization for Islamic Cooperation and the Government of the Republic of Turkey, in Ankara on 12 and 13 May. The meeting focussed on the status of Jerusalem, in particular the issues pertaining to the holy sites, as well as on the role of the international community in supporting a peaceful resolution of this important issue. On the margins, the Committee delegation met with Ahmet Davutoglu, Minister for Foreign Affairs of the Republic of Turkey, and other senior officials at the Ministry, as well as with Secretary-General Iyad bin Amin Madani of the Organization for Islamic Cooperation;

(e) Public Forum on the Question of Jerusalem, organized in cooperation with the Center for Middle Eastern Strategic Studies in Ankara on 14 May, which included a moderated discussion on the evolution of the peace process, followed by a screening of the film *Omar*;

(f) United Nations Seminar on Assistance to the Palestinian People, at the United Nations Office at Nairobi on 1 and 2 July, with a focus on solidifying the economic underpinnings of an independent State;

(g) United Nations International Meeting of Parliamentarians in Support of Israeli-Palestinian Peace, focusing on the role of parliamentarians in ensuring respect for international law, at United Nations Headquarters on 21 November;

(h) International Conference of Local Governments and Civil Society Organizations in Support of Palestinian Rights, organized in collaboration with the Andalusian Fund of Municipalities for International Solidarity, in Seville, Spain, on 2 and 3 December, which included discussions on how local governments can support the Palestinian people in their struggle for self-determination.

10. The above-mentioned events were attended by representatives of Governments, intergovernmental organizations and United Nations system entities, as well as parliamentarians and representatives of civil society and the media. Detailed information about the meetings and their outcome is available on the “Question of Palestine” website maintained by the Division of Palestinian Rights of the Department of Political Affairs of the United Nations Secretariat.

### **III. Activities by United Nations offices and Member States**

#### **Department of Public Information**

11. The Department of Public Information, pursuant to General Assembly resolution 68/12, worked closely with the Division for Palestinian Rights to actively promote the observance of the 2014 International Year of Solidarity with the Palestinian People, including by providing strategic guidance to the network of United Nations information centres and other relevant United Nations stakeholders; preparing content for the dedicated websites; assembling and disseminating a comprehensive information package on the question of Palestine; ensuring social media coverage of Palestine-related events at United Nations Headquarters and elsewhere; and promoting core United Nations

messages on the question of Palestine and the situation in the Middle East.

12. Around the world, United Nations information centres in Algiers, Ankara, Beirut, Canberra, Jakarta, Manama, Panama, Tokyo and Warsaw and the United Nations regional information centre in Brussels took part in the promotion of the International Year with a wide range of activities, ranging from organizing commemorative events, exhibitions, seminars and lectures to granting interviews, arranging for media coverage and newspaper supplements.

13. The Department used all of its information outlets and products, including social media platforms, to highlight events related to the International Year. The multilingual United Nations News Centre portal provided coverage in all six official languages and across social media platforms. The United Nations News Centre published in English and French a total of 326 related stories on issues affecting the Palestinian people, and many more were published in Arabic, Chinese, Russian and Spanish.

14. Other news stories covered included the international meeting on the question of Jerusalem, held in Ankara; a fashion show held at United Nations Headquarters featuring Palestinian-born designer Jamal Taslaq, and organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in cooperation with the Permanent Observer Mission of the State of Palestine to the United Nations ahead of the International Day of Solidarity with the Palestinian People; and the illumination of the United Nations Headquarters building with an iconic image from the photo archives of UNRWA as part of the activities related to the conclusion of the International Year.

15. United Nations Radio, which is available in all six official languages and in Kiswahili and Portuguese, provided coverage on the events related to the International Year and on the question of Palestine. The United Nations Radio Arabic Unit published more than 400 items (including news items, feature stories, interviews and weekly programmes) related to the question of Palestine over the past year, generating over 270,000 page views and thousands of social media hits. The lecture by Noam Chomsky, on the occasion of the International Year, was also highlighted, as was the UNRWA-sponsored exhibition “The Long Journey” at United Nations Headquarters.

16. United Nations Television and the UNifeed satellite distribution system produced and distributed to broadcasters around the world stories and videos on the question of Palestine. Two in particular were widely disseminated on news and social media platforms: the video of an iconic image of Palestinian refugees from Yarmouk Camp, in Damascus, which was displayed across a giant screen at Times Square in New York, and the video of a fashion show by designer Jamal Taslaq at United Nations Headquarters.

### **United Nations Office at Geneva**

17. On 18 September the Committee on the Exercise of the Inalienable Rights of the Palestinian People hosted the screening of the Emmy-award winning and Oscar-nominated documentary 5 Broken Cameras at the United Nations Office at Geneva, which was followed by a question-and-answer session with Emad Burnat, the Palestinian co-director.

18. On the sidelines of the special meeting on the International Day of Solidarity with the Palestinian People on 26

November, the Permanent Observer Mission of Palestine hosted an exhibition describing the history of the question of Palestine and a concert featuring Palestinian musicians.

### **Food and Agriculture Organization of the United Nations**

19. In cooperation with the United Nations Special Coordinator Office for the Middle East Peace Process, the Office for the Coordination of Humanitarian Affairs and the Humanitarian Country Team Advocacy Working Group, several advocacy events were held, among them one on 22 October, which was organized on the occasion of the annual olive harvest, a key livelihood activity for Palestinians in the West Bank and Gaza. The event highlighted the challenges faced by Palestinian farmers and agricultural communities in relation to the olive harvest owing to movement and access restrictions and settler violence.

### **United Nations Development Programme**

20. The United Nations Development Programme (UNDP) Regional Bureau for Arab States, through the UNDP office in the Occupied Palestinian Territory, supported the International Conference of Local Authorities in Solidarity with the Palestinian people “Local Authorities at the heart of the State of Palestine”, held in Ramallah from 20 to 23 November. The conference, which focused on the role of local authorities in the Palestinian State-building process, was opened by Palestinian President Mahmoud Abbas and was attended by diplomats, representatives of United Nations agencies and 250 international participants from 22 countries, including parliamentarians.

### **United Nations Members and Observer Missions**

21. Member States and Observer Missions organized a wide variety of activities and events in support of the International Year, ranging from raising the diplomatic status of the Palestinian representation to holding round tables and exhibitions and funding specific activities.

22. The Committee received submissions from Cuba, Japan, Latvia, Morocco, Nicaragua, Russian Federation, Saudi Arabia, Slovenia, Turkey, Viet Nam, Palestine and the Organization for Islamic Cooperation. The Committee continues to receive information on activities undertaken in support of the International Year.

23. While all the activities are too numerous to mention in this report, some of the highlights include the following:

(a) Upgrading of the Palestinian representation in Colombia to the level of diplomatic mission;

(b) Conclusion of a twin cities agreement between Bethlehem, Palestine, and Cuzco, Peru;

(c) Inauguration of a street named after the State of Palestine in Buenos Aires;

(d) Holding of an academic conference on the theme “The question of Jerusalem through the lens of international law in Moscow”;

(e) Organization of the “Al-Aqsa Photo Exhibition” in Mecca and Jeddah, Saudi Arabia, by the Organization for Islamic Cooperation;

(f) Holding of the twentieth session of the Al-Quds Committee of the

Organization for Islamic Cooperation in Marrakech, Morocco, on 17 and 18 January 2014;

(g) Launch of the Conference on Cooperation among East Asian Countries for Palestinian Development in Tokyo on 13 and 14 February;

(h) Launch of activities for the International Year in Palestine, in Ramallah, Palestine on 9 April;

(i) Organization of an exhibit on Palestine in Havana from 25 to 31 May;

(j) Holding of the conference on the tenth anniversary of the International Court of Justice Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory in Al Bireh, Palestine on 9 July;

(k) Holding of a topical discussion of Palestine at the seventeenth Congress of the Latin American and Caribbean Continental Organization of Students in Managua from 17 to 23 August;

(l) Holding of the International Conference of Local Authorities in Solidarity with the Palestinian People “Local Authorities at the Heart of the State of Palestine” in Ramallah, Palestine, from 21 to 23 November;

(m) Holding of the peace summit organized by the League of Arab States and the Confederation of Industrialist Businesswomen and Businessmen of Turkey in Ankara on 29 November;

(n) Holding of lectures on the question of Palestine in the Dominican Republic and Costa Rica in November;

(o) Funding of events and activities hosted by the Permanent Observer Mission of Palestine to the United Nations in New York by Saudi Arabia;

(p) Sponsoring by Qatar of the English edition of the book *The Palestinians: Photographs of a Land and its People from 1839 to the Present Day*, which was launched on the occasion of the International Day of Solidarity with the Palestinian People in November and subsequently distributed to all Member States, international organizations, United Nations officials, libraries in the United States and other recipients.

#### **IV. Conclusion**

24. It was hoped that the International Year of Solidarity with the Palestinian People would usher in the conclusion of a final peace agreement within the agreed time frame of nine months. Instead, 2014 saw the breakdown of the negotiations, followed by the disastrous conflict in Gaza and rising tensions, including of a religious character, in the West Bank and East Jerusalem. The year saw the continued expansion of illegal Israeli settlements in the occupied Palestinian territories, and scores of violent events, including attacks on religious sites. At the end of 2014, a draft resolution, aimed at setting a timetable for negotiations and paving the way for an Israeli withdrawal from the Occupied Palestinian Territory, failed to gain the necessary votes in the Security Council. In the immediate aftermath Palestine signed a wide number of international accords, including the Rome Statute to accede to the International Criminal Court. The Court has now opened a preliminary examination into the situation in Palestine.

25. Despite the deterioration of the situation on the ground and in the political

arena, the International Year of Solidarity with the Palestinian People, through its many special activities and events, effectively promoted solidarity with the Palestinian people and generated further momentum and international support for the realization of their inalienable rights. During 2014, Sweden extended full recognition to Palestine and the parliaments of Spain, France, Ireland, Portugal, Belgium and the United Kingdom of Great Britain and Northern Ireland recommended the same to their respective Governments. Also in 2014, the Palestine Liberation Organization and Hamas reached a deal to end their political division since 2007 and form a national consensus government, thus putting Gaza and the Palestinian-controlled areas in the West Bank under a single administration. The year also saw Palestine accede to a number of key international treaties and conventions, among them the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto, the 1907 Hague Convention (IV), respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention against Torture, the Convention against Corruption, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. All these developments signify solid progress in Palestinian State-building and in the path of

Palestine to becoming a full Member State of the United Nations.

26. In 2015 the Committee will build on these achievements of the International Year of Solidarity with the Palestinian People and will work towards maintaining international awareness of the various aspects of the question of Palestine, the question of Jerusalem, international support for the rights of the Palestinian people and the peaceful settlement of the conflict, by focusing on the following priorities:

(a) Working towards an end to the occupation and progress towards a final agreement between Israel and Palestine;

(b) Addressing obstacles to peace requiring urgent action, such as illegal Israeli settlements, the situation in Jerusalem, the blockade of Gaza, the treatment of Palestinian prisoners and the humanitarian situation in the Occupied Palestinian Territory;

(c) Mobilization of international, regional and national action.

To reach these goals, the Committee will continue in 2015 to highlight the responsibilities of Israel, the occupying Power; maintain its support for revitalized and active international involvement on the question of Palestine; promote an in-depth dialogue between Palestinian and international legal experts; and mobilize international support to mitigate the difficult financial situation of Palestine.

#### **IV. SECRETARY-GENERAL SUBMITS REPORT ON THE HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY**

*On 5 March 2015, United Nations Secretary-General Ban Ki-moon submitted his report on the “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem”, pursuant to Human Rights Council resolution 25/29. The following are the conclusion and recommendations contained in the report (A/HRC/28/45):*

##### **G. Conclusion**

67. The human rights situation in the Occupied Palestinian Territory remains of grave concern. The murders of the Israeli teenagers and the Palestinian boy in June and July 2014, and the subsequent security operations in the West Bank, followed by rocket fire and the escalation in Gaza, inflamed tensions and entrenched the divisions and suspicion that have characterized the situation for decades. Accordingly, the “criticality of immediately diffusing the escalating tensions in East Jerusalem without delay” was underscored to the Security Council in its session on the situation in East Jerusalem on 29 October 2014.” The same must be said of the situation in Gaza and the rest of the West Bank, which remains fragile and volatile. For the diffusion of tension to be lasting in any kind of meaningful way, all sides need to address the human rights dimensions of the conflict.

68. Yet another year of bloodshed and recurrent violations and abuses underlines that there needs to be a break from the past: an end to the violations of international law that foment tension and drive violence; and the prevention of future violations, including through accountability and a reckoning with the past. As the present report and the numerous previous United Nations reports on the Occupied Palestinian Territory make clear, there are several key areas on which that change could focus.

69. The settlements in the West Bank, including East Jerusalem, violate international law and run counter to the two-State solution. They are at the centre of many other human rights violations in the occupied West Bank, including East Jerusalem, and a source of constant friction, demonstrations, incidents involving the excessive use of force by Israeli security forces, settler violence and widespread discriminatory policies affecting Palestinians’ enjoyment of their human rights. On the Palestinian side, attacks on Israelis only heighten tension and provide material for a justification of hard-line measures that reinforce the cycle of violence.

70. The settlements also undermine Palestinian territorial integrity, contrary to international law, and Palestinians’ right to self-determination.<sup>118</sup> So does the ongoing blockade, which is a continuing collective penalty against the population in Gaza; it weakens links between Gaza and the West Bank, and must be ended. Intra-Palestinian fighting and disunity, which lead to violations and abuses by the Palestinian Authority and armed groups against political opponents, exacerbate that fragmentation.

71. Impunity for violations and abuses by all sides reinforces those problems. After three escalations of violence in six years in Gaza, and recurring violations and violence in the West Bank, including East Jerusalem, a line needs to be drawn and accountability

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<sup>118</sup> A/ES-10/273 and Corr.1.

ensured. The failure to ensure accountability runs counter to the legal obligations of the duty bearers and completely undercuts the credibility of each side in the eyes of the other, driving resentment and creating an environment in which perpetrators on all sides are able to get away with violations, fuelling further abuses.

72. As the Secretary-General has said, “the cycle of build-and-destroy must end”.<sup>119</sup> That applies as much to people’s hopes of dignity, rights and peace as it does to Gaza reconstruction. It is clear that an enduring solution to the conflict must embrace human rights. Respect for human rights leads to the mutual respect, dialogue and understanding upon which the foundations of peace are laid. Without addressing the violations and abuses of international human rights law and international humanitarian law that are both a cause and consequence of the conflict and violence, a sustainable political solution will be impossible to reach. Those two dimensions —political and human rights — are inextricably linked. After yet another escalation in Gaza, and with the West Bank, including East Jerusalem, again on the brink of increased violence, the cycle of violations and conflict must be brought to an end.

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<sup>119</sup> S/PV.7281, p. 3.

#### **IV. Recommendations**

73. All duty bearers must comply fully with international law, including by adequately remedying, and ensuring accountability for, violations and abuses. That involves fully complying with the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory and with the recommendations of the United Nations human rights treaty bodies, and implementing previous recommendations by the Secretary-General and the High Commissioner for Human Rights, which remain valid but unimplemented.

74. Obstacles to peace and to Palestinians’ enjoyment of their human rights, including their right to self-determination, must be removed. That means the ending and reversal of all settlement activity in the West Bank, including East Jerusalem, the full lifting of the blockade on Gaza and the ending of the occupation of Palestinian land. At the same time, due consideration should be given to ensuring the legitimate security needs of Israel with due respect for international humanitarian law and international human rights law.

75. All parties should refrain from unilateral actions that only exacerbate tensions and resentment. They should promote an environment that is conducive to peace, mutual understanding and respect for human rights.

## V. SPECIAL RAPPORTEUR ON TORTURE MAKES OBSERVATION ON ISRAEL'S LACK OF RESPONSE TO ALLEGATION

*In the addendum to his report issued on 5 March 2015, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, made the following observation on Israel's lack of response to his communication (A/HRC/28/68/Add.1):*

**(a) JAL 06/05/2014 Case No. ISR 1/2014 State Reply: None to date Allegations concerning the ill-treatment and torture of Palestinian children in Israeli custody.**

268. The Special Rapporteur regrets that the Government of Israel has not replied to the present communication, thereby failing to cooperate with the mandate issued by the Human Rights Council in its resolution 25/13, and to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment, as codified, inter alia, in the Convention against Torture (CAT).

269. The allegation letter referred to a pattern of physical and mental mistreatment of under-age Palestinian boys detained by the Israeli Defense Forces (IDF), and included the cases of three children, aged 17, 16 and 14, whose names were withheld because of their age. In each case, IDF members had applied violence to the boys in the course of their detention as well as in forcing them to confess to throwing stones at settlers' vehicles and, in one case, throwing Molotov cocktails and stones in the course of demonstrations. One of the children was held in solitary confinement for five days. All three were forced to sign confessions under duress, statements that then formed the basis for sentences of several weeks in prison.

270. In his interim report to the General Assembly of 5 August 2011 (A/66/268), the Special Rapporteur on torture and other

cruel, inhuman or degrading treatment or punishment defined solitary confinement, in accordance with the Istanbul Statement on the Use and Effects Solitary Confinement, as the physical and social isolation of individuals who are confined in their cells for 22 to 24 hours a day. He observed that while solitary confinement for short periods of time may be justified under certain circumstances, with adequate and effective safeguards in place, the use of prolonged or indefinite solitary confinement may never constitute a legitimate instrument of the State and is running afoul the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Furthermore, due to the prisoner's lack of communication, as well as the lack of witnesses inside the prison, solitary confinement may also give rise to other acts of torture or ill-treatment

271. The Special Rapporteur recalls that when used or for juveniles, pregnant women, or people with mental disabilities, persons serving life sentences and persons awaiting execution on "death row" (A/66/268 and A/68/295), solitary confinement amounts to cruel, inhuman or degrading treatment or punishment or even torture, even if not used indefinitely or for a prolonged period of time.

272. In the absence of information to the contrary, the Rapporteur concludes that there is substance in the allegations presented in the initial communication, reiterated above, and thus, that the Government of Israel, by failing to protect the physical and psychological integrity of



the children in question, exclude evidence obtained under torture or ill-treatment from proceedings against them, and take steps to put a stop to the alleged pattern of abuse on the part of Israeli Security Forces, has acted in discordance with article 15 of the CAT and violated, their right to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1 and 16 of the CAT.

**(b) JUA 12/06/2014 Case No. ISR 4/2014 State Reply: None to date Allegations concerning the arrest and detention of Mr. Ahmad Ishraq Rimawi.**

273. The Special Rapporteur regrets that the Government of Israel has not replied to the present communication, thereby failing to cooperate with the mandate issued by the Human Rights Council in its resolution 25/13, and to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment, as codified, inter alia, in the Convention against Torture (CAT).

274. In the absence of information to the contrary, the Rapporteur concludes that there is substance in the allegations presented in the initial communication, reiterated above and thus, that the Government of Israel, by arbitrarily arresting and detaining Mr. Ahmad Ishraq Rimawi, has violated his right to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1 and 16 of the CAT.

**(c) JUA 20/06/2014 Case No. ISR 5/2014 State Reply: None to date Allegations concerning the draft amendment to the Prisons Act (preventing damages due to hunger strikes), to be presented for the**

**second and third readings at the Knesset on 23 June 2014.**

275. The Special Rapporteur regrets that the Government of Israel has not replied to the present communication, thereby failing to cooperate with the mandate issued by the Human Rights Council in its resolution 25/13, and to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment, as codified, inter alia, in the Convention against Torture (CAT).

276. In the absence of information to the contrary, the Rapporteur concludes that there is substance in the allegations presented in the initial communication, reiterated above and thus, that the Government of Israel, by passing a bill that would provide for the force-feeding and medical treatment of prisoners against their will, would violate a prisoner's right to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1 and 16 of the CAT.

**(d) JUA 14/07/2014 Case No. ISR 6/2014 State Reply: None to date Allegations of arbitrary arrest and detention of Ms. Shireen Issawi, Mr. Medhat Tarek Issawi and Mr. Samer Issawi.**

277. The Special Rapporteur regrets that the Government of Israel has not replied to the present communication, thereby failing to cooperate with the mandate issued by the Human Rights Council in its resolution 25/13, and to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel, inhuman or degrading treatment or punishment, as codified, inter alia, in the Convention against Torture (CAT).

278. In the absence of information to the contrary, the Rapporteur concludes that there is substance in the allegations presented in the initial communication, reiterated above and thus, that the Government of Israel, by arbitrarily

arresting and detaining Ms. Shireen Issawi, Mr. Medhat Tarek Issawi and Mr. Samer Issawi, has violated these prisoners' right to be free from torture or cruel, inhuman or degrading treatment, as provided by articles 1 and 16 of the CAT.

## **VI. SECRETARY-GENERAL EXPRESSES CONCERN OVER PLO'S SUSPENSION OF SECURITY COORDINATION WITH ISRAEL**

*On 6 March 2015, the Spokesperson for Secretary-General Ban Ki-moon issued the following statement on the Palestine Liberation Organization's decision to suspend security coordination with Israel (SG/16568-PAL/2186):*

The Secretary-General expresses his concern regarding the 5 March decision by the Palestine Liberation Organization's (PLO) Central Council to suspend all forms of security coordination with Israel.

The Secretary-General notes that the PLO Executive Committee will report on the implementation of this decision to the PLO Central Council in three months. This still provides a window of opportunity for both sides to take necessary actions to honour their obligations. In this regard, he urges both parties to exercise utmost restraint and reverse their unhelpful cycle of actions and counter-actions. The Secretary-General

repeats his call on Israel to resume the transfer of tax revenues legally due to the Palestinian Authority as per the Paris Protocol.

In the absence of effective international engagement, the situation may further unravel. The Secretary-General urgently calls on the international community, including the Security Council, to exercise leadership and help create conditions for a negotiated final peace agreement that will end the Israeli occupation and realize the creation of a viable Palestinian State, living in peace and security alongside Israel.

## **VII. SECRETARY-GENERAL SUBMITS REPORT ON ISRAELI SETTLEMENTS**

*On 9 March 2015, Secretary-General Ban Ki-moon submitted pursuant to Human Rights Council resolution 25/28 his report on "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan". Following are the conclusions and recommendations contained in the report (A/HRC/28/44):*

### **VII. Conclusions and recommendations**

57. During the period under review, Israel continued to play a leading role in the establishment and the expansion of Israeli settlements in the Occupied Palestinian Territory, in violation of international law, in particular article 49 of the Fourth Geneva

Convention. The settlements continue to be a central source of multiple human rights violations of Palestinians. In this context, Israel still largely fails to comply with its international obligation to protect the Palestinian population from violent acts committed by Israeli settlers, and to effectively prevent, and ensure

accountability for, settler violence. Israeli policies and practices regarding access to Palestinian land have a negative impact on the rights of Palestinians, in particular their rights to an adequate standard of living and to work.

58. Israel must stop obstructing and restricting the access of Palestinians to agricultural land in the West Bank, including East Jerusalem. Disproportionate restrictions, mostly related to settlements, are putting Palestinian livelihoods at a great risk. Effective measures should be taken to ensure that Palestinians are able to have access to and cultivate their land on a continuous basis, beyond ad hoc mechanisms such as “prior coordination”. In addition, security of land tenure must be ensured, including by means of measures allowing Palestinians to register without discrimination the land they have been using for long periods of time.

59. Israel, as the occupying Power, is obliged to take all reasonable measures to

prevent violent attacks by Israeli settlers against Palestinians. Israel must ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Investigations should be open to public scrutiny and allow for the participation of victims. Alleged perpetrators should be prosecuted and victims should be granted an effective remedy.

60. Israel must cease all settlement activity in the West Bank and East Jerusalem, as well as in the occupied Syrian Golan, and implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from the territories occupied in 1967. Israel must also immediately cease the exploitation of natural resources from these territories.

## **VIII. SECRETARY-GENERAL SUBMITS REPORT ON THE SITUATION OF AND ASSISTANCE TO PALESTINIAN WOMEN**

*The Secretary-General’s report on the “Situation of and assistance to the Palestinian women” was submitted to the 59th session of the Commission on the Status of Women held in New York from 9 to 20 March 2015. The conclusions and recommendations contained in the report are reproduced below (E/CN.6/2015/5):*

### **IV. Conclusions and recommendations**

60. The reporting period was marked by a series of alarming developments, including a steep escalation of tension and violence between Gaza and Israel and a suspension of the direct final status negotiations. The large military operation launched by the Israeli army from 8 July to 26 August 2014 in the Gaza Strip resulted in a humanitarian emergency with an unprecedented scale of destruction, devastation and displacement,

which further heightened vulnerability and instability. Women, girls, boys and men are affected differently by the crisis and greater involvement of all groups in the design and planning of humanitarian recovery and relief programmes needs to be undertaken. It is essential to ensure women’s participation across all programming. In addition, male and female youth, who constitute the majority of the Gaza population, need to be given a voice in identifying their particular

needs and priorities within relief and recovery planning and implementation.

61. Many observations from previous reports still stand. Restrictions on movement and access, increased settlement expansion and settler violence, demolitions of Palestinian infrastructure and displacement, the fragmentation of the territory and the closure of the occupied Palestinian territory, particularly the Gaza Strip, continue to have a negative gender differentiated impact on the lives of Palestinian women and their families. The volatility of the context poses formidable obstacles to development in the State of Palestine. As the report shows, progress on development indicators remains fragile and prone to regression, including as it relates to women's rights. The significant operational challenges on the work on the United Nations and its partners pose serious barriers to addressing both immediate and longer-term needs.

62. High levels of unemployment and poverty persist, and many Palestinian women and girls still face significant obstacles in accessing basic services, health care, psychosocial support, water and sanitation, justice institutions and economic opportunities. Signs of increased food insecurity levels, compromised quality of educational environments and services and the growing challenges faced by women in the labour market are all issues demanding greater attention and a more gender-sensitive response in the coming year. The critical situations with regard to water, sanitation and hygiene, as well as energy, in particular in Gaza following the recent conflict, are other major concerns that must be addressed with urgency by all relevant stakeholders.

63. Despite stronger normative frameworks in place, violence against women remains a serious concern. Sustained

efforts and investments are needed to improve and expand services and access to justice for victims. As noted in previous reports and as was evident during the reporting period, insecurity and poverty can exacerbate gender-based discrimination and abuse, including in the workplace, and lead to elevated levels of violence against women in both the public and private spheres. The prevention of all forms of violence and discrimination against women and girls must be at the forefront of efforts in the coming year.

64. Efforts made by the State of Palestine with the support of the United Nations to strengthen policy and implementation frameworks and build institutional capacity to address violence against women and promote gender equality and women's empowerment over the past two years are laudable. These include the development and endorsement of the National Strategy to Combat Violence against Women (2011-2019) and the Cross Sectoral National Gender Strategy (2014-2016), as well as the inclusion of commitments to gender equality in the United Nations Development Assistance Framework for Palestine and the new Palestinian National Development Plan. Strong political commitment at the highest levels and across line ministries, in addition to technical and financial support to the Ministry of Women's Affairs and women's civil society organizations, will be required for their effective implementation. The accession to international treaties and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, brings new obligations requiring effective accountability and monitoring systems. The United Nations stands ready to assist in the implementation and monitoring of these obligations.

65. Progress has been made in improving systems for gender-sensitive data collection and analysis. Still, continued support is needed to further build capacity to collect and analyse sex- and age-disaggregated data on the full range of issues that have an impact on the lives of Palestinians. As stressed in previous reports, such analysis and data must form an integral part of all policymaking, planning and programming initiatives and inform reporting and briefings by the United Nations system to relevant intergovernmental bodies.

66. The United Nations will continue working towards the realization of a just,

lasting and comprehensive peace in the Middle East. The engagement of Palestinian and Israeli women in the peace process and talks must be supported in accordance with Security Council resolutions 1325 (2000) and 2122 (2013) on women, peace and security. Building on promising initiatives under way that are supported by UN-Women, UNDP and others, stronger action is needed by all actors to increase women's participation and leadership at all levels of decision-making and to support women in elected and appointed posts. The good practice of direct dialogue between women's civil society organizations and senior representatives of the United Nations entities should be maintained.

## **IX. CHAIR OF THE GAZA INQUIRY COMMISSION PROVIDES UPDATE ON THE IMPLEMENTATION OF RESOLUTION S21/1**

*On 23 March 2015, the Chair of the Independent Commission of Inquiry on the 2014 Gaza Conflict, Mary McGowan Davis, provided the following oral update to the Human Rights Council:*

As chair of the Independent Commission of Inquiry on the 2014 Gaza Conflict, I am pleased to provide this oral update on the implementation of Human Rights Council resolution S21/1 on behalf of the Commission of Inquiry.

The resolution tasked us to investigate all alleged "violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held

accountable, and on ways and means to protect civilians against any further assaults, and to report to the Council at its twenty-eighth session".

The Commission has interpreted its mandate as including investigation of the activities of Palestinian armed groups in Gaza, including attacks on Israel, as well as the Israeli military operation in the Gaza Strip and Israeli actions in the West Bank, including East Jerusalem. The Commission is looking at a broad range of alleged violations committed by all parties and is considering the full range of human rights including economic, social and cultural rights.

Three Commissioners were appointed in August 2014 and the Secretariat was fully staffed by the end of November 2014. The chair of the Commission, Professor William

Schabas, resigned last month and I was appointed chair in his place, serving alongside my esteemed colleague Dr. Doudou Diene.

The Commission made an initial call for submissions with the deadline of 10 January 2015. This deadline was extended until the end of January 2015 and then again until late-February, in order to give all stakeholders the opportunity to provide any information they wished to share with the Commission.

The Commission has done its utmost to obtain access to Israel and the Gaza Strip, as well as to the West Bank, including East Jerusalem. We would very much have liked to meet face to face with victims and the authorities in these places. In October and November 2014 the Commission wrote to the Government of Israel requesting access. We wrote again in January and February this year, but to date we have received no response to our letters. In November 2014 the Commission wrote to the Government of Egypt requesting access to Gaza via the Rafah crossing. Egypt indicated it was ready to facilitate our travel to Gaza as soon as the security situation permitted travel through its territory. Unfortunately that has not yet been possible, but we remain ready to go should circumstances change.

The Commission is grateful to the Government of Jordan for facilitating two

missions – in November 2014 and January 2015 – to Amman where we met with witnesses and officials from the region.

The Commission of Inquiry has used technology to interview a wide spectrum of witnesses and victims in Israel and the occupied Palestinian territory. Many witnesses and NGO's have also travelled here to Geneva to testify before the Commission. In addition, we have received a large number of submissions from individuals, as well as from local and international human rights groups and UN agencies. We are extremely grateful for this cooperation.

On 9 March we asked the Council to extend our mandate until June this year. We need more time in order to assess the large amount of information we have accumulated – much of which has only been received in recent weeks after the extension of the deadline for submissions. In addition there are complex legal issues to consider. This process cannot be rushed.

Finally, the Commission would like to reassure the victims and witnesses who have testified before the Commission that we remain committed to this process and intend to do justice to their submissions. We look forward to submitting our report to the Council in June this year.

## **X. SPECIAL COORDINATOR FOR THE MIDDLE EAST PEACE PROCESS BRIEFS SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION**

*On 26 March 2015, United Nations Special Coordinator for the Middle East Peace Process Robert Serry briefed the Security Council on the situation in the Middle East, including the Palestinian question. Following are excerpts from the briefing (S/PV.7417):*

I brief the Council today against the backdrop of another month plagued by the brutality that continues to cause immense human suffering across the region. As this will be my last briefing, I intend to focus on my own mandate, while of course recognizing that the Arab-Israeli conflict is affected by the dramatic events in the region.

In any peace agreement Israeli security concerns will need to be seriously addressed. However, losing sight of reaching peace between Israel, Palestine and the wider Arab world altogether — I have repeatedly warned the Council that we may be heading in that direction — would be tantamount to pouring more oil on the regional flames. Conversely, real progress in achieving a two-State solution and ending the longest occupation in modern history would go a long way towards improving regional security and strengthening moderate forces in the region. In that regard, the Arab

Peace Initiative still holds out the prospect of Israel normalizing its relations with the Arab and wider Muslim world, rather than isolating itself.

Let me first briefly update the on significant events during this reporting, period before sharing some parting thoughts based on my seven years of experience, which the Council may wish to consider.

On 17 March, general elections were held in Israel. We congratulate Prime Minister Netanyahu and the Likud party on

winning the highest number of seats, and note that President Rivlin has invited him to form the next Government, a process that may take several weeks. However, I am frankly concerned by many of the hard-line statements put forward in the final days of campaigning, in particular remarks by the Prime Minister raising serious doubts about Israel's commitment to the two-State solution. I urge the incoming Israeli Government to seize the opportunity of a fresh mandate to quickly demonstrate in words and, more importantly by actions, that commitment.

Earlier this month, the Palestine Liberation Organization (PLO) Central Council adopted a series of decisions, including "to suspend all forms of security coordination given Israel's systematic and ongoing noncompliance with its obligations under signed agreements." While noting that in three months' time the PLO Executive Committee will report back on the implementation of that decision, to date security coordination is continuing. That move may have far-reaching consequences and, along with the Palestinian accession to the International Criminal Court effective 1 April, it is yet another powerful sign of Palestinian determination not to return to the status quo.

We cannot run from reality. There is a genuine possibility that ending Palestinian security coordination with Israel may be the final nail in the coffin of the Oslo Accords. However, there is still time for parties to end

the cycle of counterproductive action and counteraction.

With the third month of Israel's withholding of Palestinian tax revenues, now amounting to over \$400 million, the Palestinian Authority's financial crisis is deepening. We are deeply concerned that, despite the announcement of an austerity budget for 2015, that temporary band-aid may not allow the Palestinian Authority to survive. Israel's action is in violation of the Paris Protocol of the Oslo Accords. We again call on Israel to immediately reverse its decision.

In Gaza, an equally destructive financial crisis, related to the lack of progress on civil service reform, continues to ratchet up tensions. It has been nearly five months since the United Nations facilitated a humanitarian payment to Gaza civil servants. I cannot help but feel that such a gesture may be needed yet again to sustain minimum conditions for stability until the parties have addressed the underlying issue.

In that regard, I welcome Prime Minister Hamdallah's second visit to Gaza this week and commend his continued efforts to find solutions for this and other critical issues, which will facilitate his Government's assumption of its rightful responsibility in Gaza. I also welcome last week's declaration of support by President Abbas and Hamas for the Swiss road map pertaining to the reintegration and reform of the public sector in Gaza. I would like to thank Switzerland for its committed efforts on that issue and urge the road maps swift implementation.

While the appalling situation in Gaza endures, there are some signs of progress. While not enough, the temporary Gaza Reconstruction Mechanism is making a difference. As of 23 March, almost 80 per

cent of damaged shelters had been processed through the Mechanism, with over 61,000 individuals having procured construction materials to carry out their home repairs. In addition, the Mechanism is ready to process large-scale reconstruction. Over 40 international and private sector projects have been approved, and 5 are already under way — including Qatar's first major housing project to construct 1,000 housing units. I appreciate Israel's willingness to facilitate that process. I therefore encourage all international partners to take note that the Mechanism is working and to fully engage on Gaza reconstruction, in line with their pledges in Cairo last October.

The situation in the West Bank, including in East Jerusalem, remains tense. At practically every monthly briefing during the past seven years we have reported on negative developments. Those include the loss of lives and injuries resulting from demonstrations, inter-communal violence, often involving Israeli settlers, and Israeli search-and-arrest operations. We have also reported on security incidents, including, increasingly, so-called lone-wolf attacks. And the Secretary-General and I have firmly condemned acts of terror. I do not need to give the details to report that this month resembles the average from previous briefings, including on home demolitions — another disturbing trend. Numbers sometimes hide the grim reality of entrenched occupation leading to growing despair.

Neither did we fail to report to the Council more positive developments, in particular related to Palestinian State-building and the easing of Israeli restrictive measures. After a long-standing dispute, Rawabi has finally been connected to the water supply, thereby allowing families to begin moving into that modern Palestinian township near Ramallah. I also welcome



recent Israeli steps to ease some of its restrictions on the movement of people and goods in the West Bank and Gaza. I only wish that I could have reported such positive news on a regular basis, and I urge Israel to expand upon those important initiatives.

Unsurprisingly, settlement planning and activity also continued this month, despite unanimous opposition from the international community. According to the Israeli non-governmental organization Peace Now, from January 2008 to January 2014 — or six of my seven years as Special Coordinator — the population in settlements in the West Bank, including East Jerusalem, steadily increased by an estimated 16 per cent to a total of 551,500 persons — over half a million people. Some 16,500 new residential units were constructed in the West Bank, including East Jerusalem during that period.

Illegal settlement activity simply cannot be reconciled with the objective of a negotiated two-State solution, and may kill the very possibility of reaching peace on the paradigm of two States for two peoples. I frankly do not know if it is already too late. The minimum conditions of trust cannot be restored without the new Israeli Government taking credible steps to freeze settlement activity.

Allow me, in this final briefing, to share my parting thoughts.

Upon leaving this position, I cannot but express an overriding feeling that I have been part of a peace process in which a can is kicked down an endless road. During the past seven years, three United States-led peace initiatives remained inconclusive and did not bring us any closer to the urgently needed political foundation for a Palestinian State as part of a two-State solution. That is why the remarkable progress achieved in Palestinian State-building, pursued

vigorously under the leadership of President Abbas and former Prime Minister Fayyad, has started to turn into a failed success. Moreover, all three stalled negotiations were followed by wars in Gaza, leaving the Strip devastated seven months after the last war, as I observed during my last visit.

To seek to prevent yet another descent into conflict, I have publicly called for a new strategy prioritizing Gaza. By that, let me be clear: I do not mean “Gaza only.” Neither I nor the United Nations would ever support a strategy that would seek to divide Gaza from the West Bank. Focusing support on Gaza must be inextricably linked to addressing the wider peace process.

Prioritizing Gaza means that we recognize that we cannot possibly hope to pick up the pieces of a shattered Israel-Palestinian peace strategy, leaving Gaza as it is. It means that we cannot possibly hope to again board the peace train in the West Bank and arrive in Gaza as a final stop. It means that we must fix Gaza — or at least stabilize it — so that we do not reconstruct it for a third time, only to see it destroyed again, and so that it does not halt peace efforts that aim to reach the long-desired two-State vision: Israel living side-by-side in peace and security with one single, unified State of Palestine. Prioritizing Gaza means for me achieving four main objectives urgently.

First, we need a more stable ceasefire under the umbrella of the Government of national consensus. I have called for a reconstruction *hudna*: a freeze of all military activities above and below ground over at least a three-to-five-year time frame. That would allow time and give donors confidence for the large-scale, accelerated reconstruction that Gaza desperately needs: major infrastructure projects, including housing; a gas pipeline, to generate inexpensive energy; and a desalination plant

to address the chronic water shortages. Once those immediate needs are met, a next step would be to look into providing an opening to the world via a seaport.

Secondly, such a *hudna* can be sustainable only if Palestinians move towards real reconciliation. That has not happened yet. Clearly, it will not be an easy task. But what is the alternative? Empowering the Government of national consensus to take up its leadership role in Gaza is the only way forward. Bringing all the crossings in Gaza under the control of the consensus Government and reforming the civil service represent essential next steps.

Thirdly, all Gaza crossings need to be opened further to support the free movement of people and goods, including to reconnect the Strip and the West Bank and to enable exports.

And, fourthly, the international community must be prepared to fully support the Government of national consensus politically and financially. That includes acting on the commitments made at the Cairo Conference to support Gaza reconstruction. A new strategy for Gaza needs the engagement of all stakeholders. I very much hope that conditions will soon allow Egypt to continue playing its important role, including by resuming the stalled ceasefire talks and promoting Palestinian reconciliation.

I can honestly say that Gaza has consistently been a top priority for the United Nations, and for me personally. During each crisis, the United Nations, including through the personal involvement of the Secretary-General, was in the forefront to stop the fighting. Let me here also thank the United Nations family on the ground, particularly the United Nations

Relief and Works Agency for Palestine Refugees in the Near East, for its indispensable role in picking up the pieces in the aftermath and for doing the important development and humanitarian work. The stark truth is that, despite all the efforts, Gaza is our collective failure and the people of Gaza continue to suffer the consequences.

Another lesson learned after seven years and three wars is that the Middle East peace process has mainly played out on three interconnected and mutually conflicting tracks: peace negotiations, Gaza, and the United Nations. The interplay of these three tracks has produced a dangerous outcome — I dare say the biggest crisis to date to our joint efforts to achieve a two-State solution. As I have noted in my briefings to the Council since May 2012, the parties are heading towards an outcome that I can only describe as a one-State reality.

As the parties do not appear at this point ready to recommence negotiations, we should not rush them back to the table. If indeed we believe that they do continue to seek an outcome of two neighbouring States living in peace and security, but are unable themselves at this juncture to agree on a meaningful framework to resume negotiations, the international community should seriously consider presenting such a framework for negotiations, including parameters, to achieve this. That may be the only way to preserve the goal of a two-State solution in the present circumstances.

Peace is first and foremost the responsibility of the parties to the conflict, but that reality cannot absolve international institutions of their responsibilities. For its part, the Quartet has largely failed to live up to expectations, although recent efforts to reinvigorate it, including through an enhanced role for regional stakeholders, may have a positive impact. It remains the

primary responsibility of the Council to play its role in developing a new peace architecture for resolving the conflict at long last. Resolution 242 (1967), embodying the key principle of land for peace, is nearly half a century old. During my tenure — in my first year, actually — the Council adopted only two resolutions on Israel and Palestine, and neither of these provided a strategy. Has the time not come for the Council to lead?

In conclusion, let me express my appreciation for the dedicated work of the many staff members of the Office of the United Nations Special Coordinator for the Middle East Peace Process, without whose efforts I could not have done my job. And further, I wish to convey my sincere

gratitude to the Security Council and to the Secretary-General for all the support I have received over these eventful years. I could not have carried out my mission without their strong backing and, in particular, without their support for my maintaining contact — as the only peace envoy permanently on the ground — with all parties concerned, including, as appropriate, with non-State actors, such as Hamas. Goal-oriented contact with such interlocutors is an essential element for any envoy seeking peace in a complex, modern conflict.

Finally, to my successor, Nickolay Mladenov, I wish every success in dealing with this infinitely challenging environment.

## **XI. HUMAN RIGHTS COUNCIL ADOPTS THREE RESOLUTIONS ON THE QUESTION OF PALESTINE**

*On 27 March 2015, the Human Rights Council adopted the following three resolutions related to the question of Palestine (A/HRC/RES/28/25, A/HRC/RES/28/26, A/HRC/RES/28/27):*

### **28/25 Right of the Palestinian people to self-determination**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and

article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, as well as by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,<sup>1</sup> and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all

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<sup>1</sup> A/CONF.157/23.

peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Taking note* of General Assembly resolution 67/19 of 29 November 2012,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

*Affirming* the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

*Recalling* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with

measures previously taken, severely impedes the right of the Palestinian people to self-determination, which is a right *erga omnes*, and considering that the right to self-determination of the Palestinian people is being further violated by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Reaffirming* that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Notes* that the fragmentation of the Occupied Palestinian Territory undermines the possibility of the Palestinian people realizing their right to self-determination and is incompatible with the purposes and principles of the Charter of the United Nations, and stresses in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

6. *Decides* to continue the consideration of this question at its thirty-first session.

**28/26 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

*The Human Rights Council,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* the relevant resolutions of the Commission on Human Rights, the Human

Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

*Recalling also* Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied

Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, and recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014,

*Noting* the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Affirming* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting* that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

*Taking note* of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, as well as the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

*Recalling* the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,<sup>1</sup>

*Noting* that Israel has over the years been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, through, inter alia, the granting of benefits and incentives to settlements and settlers,

*Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

*Taking note* of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the

United Nations, and taking note of the follow-up report thereon of the Secretary-General,<sup>2</sup>

*Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, the disruption of the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

*Noting in this regard* that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

*Noting* that the settlement enterprise continues to be a root cause of many violations of the Palestinians' human rights,

*Condemning* the continuation by Israel, the occupying Power, of settlement activities

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<sup>1</sup> A/HRC/22/63.

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<sup>2</sup> A/67/738.

in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

*Expressing grave concern in particular* at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

*Expressing grave concern* at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations by creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and make the two-State solution physically impossible to implement,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Gravely concerned* at the incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians and their properties, which are a long-standing phenomenon that appears to be aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

*Stressing* the need for Israel to investigate all acts of settler violence against Palestinians and their properties, and to ensure accountability for these acts,

*Aware* of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

*Noting* that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

*Recalling* Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian

people throughout the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

*Noting* that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

*Reaffirming* the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War undertook to respect and ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

*Calling upon* all States not to provide Israel with any assistance to be used specifically in connection with settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,

*Emphasizing* the importance for States to act in accordance with their own national legislation on promoting compliance with

international humanitarian law with regard to business activities that result in human rights abuses,

*Concerned* about economic activities that allow the expansion and entrenchment of settlements, and aware that the conditions of harvesting and production for products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem,

*Expressing its concern* at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian



Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 thereof;

6. *Also condemns* the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they seriously undermine the peace process and jeopardize the ongoing efforts by the international community to reach a final and just peace solution compliant with international legitimacy, including relevant United Nations resolutions, constitute a threat to the two-State solution;

7. *Expresses its grave concern* at, and calls for the cessation of:

(a) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and “relocation” plans by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, as well as further settlement activities, including the denial of access to water by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, declarations of so-called “State lands”, closed “military zones”, “national parks” and “archaeological” sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel’s obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing Palestinians from full participation in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to

stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its E-1 plan;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies or practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, and to the application of a two-tier legal system;

(d) To cease the requisition and expropriation of Palestinian land and the allocation of “State land” for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all measures and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves;

(f) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for,

and preventing, all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring a halt to all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union from 2014 onwards;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of

the construction of a wall in the Occupied Palestinian Territory;

12. *Urges* all States:

(a) To ensure that they are not taking actions that either recognize or assist the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards;

(c) To provide information to individuals and businesses on the financial, reputational and legal risks, as well as the possible abuses of the rights of individuals, of becoming involved in settlement-related activities, including economic and financial activities, the provision of services in settlements and the purchasing of property, and to consider informing businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights;

13. *Encourages* business enterprises to take transparent action to comply with the Guiding Principles on Business and Human Rights with respect to their activities relating to Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid contributing to the establishment or maintenance of Israeli

settlements or the exploitation of natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Takes note* of the statement of the Working Group on the issue of human rights and transnational corporations and other business enterprises in follow-up to Human Rights Council resolution 22/29;

17. *Requests* the United Nations High Commissioner for Human Rights to present a report detailing the implementation of the recommendations contained in the report of the independent fact-finding mission on the

implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its thirty-first session;

18. *Requests* the Secretary-General to report on the implementation of the present resolution at its thirty-first session;

19. *Decides* to remain seized of the matter.

## **28/27 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* relevant resolutions of the Human Rights Council,

*Taking note* of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

*Noting* the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

*Deploing* Israel's recurrent practice of withholding Palestinian tax revenues,

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

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

*Noting in particular* the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

*Emphasizing* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East

Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Stressing the need* for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

*Stressing the importance* of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

*Expressing grave concern* about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, as well as to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of

a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

*Deploing* the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

*Gravely concerned* in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military

operations between December 2008 and January 2009, in November 2012 and in July and August 2014, as well as about the firing of rockets into Israel,

*Stressing* that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

*Affirming* the need to support the Palestinian national consensus government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, as well as through its presence at Gaza crossing points,

*Expressing deep concern* about the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, compounded by the fact that only about 5 per cent of pledged donations for reconstruction have reached the Gaza Strip, and calling upon the international community to step up its efforts in order to provide the Gaza Strip with the assistance that it requires,

*Stressing the need* to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

*Stressing the need also* for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, as well as the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

*Expressing deep concern* at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

*Deploring* all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

*Emphasizing* that the destruction of property and the forced displacement of

Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

*Deeply concerned* at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

*Expressing deep concern* that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

*Expressing concern* about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

*Convinced* of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties

implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

*Recognizing* the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

*Emphasizing* the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect

human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

6. *Stresses* the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

7. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and, in this regard, calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

8. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

9. *Condemns all* acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, as well as the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

10. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

12. *Also calls upon* Israel to end any harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies;

13. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel,



the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

14. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

15. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

16. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

17. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, as well as the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

18. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

19. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

20. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

21. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the

Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

22. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

23. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

24. *Expresses grave concern at:*

(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

25. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

26. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

27. *Deplores* the persistent non-cooperation of Israel with special procedures mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

28. *Requests* the Office of the High Commissioner to further strengthen the presence of its office in the Occupied Palestinian Territory by, inter alia, deploying the necessary personnel and expertise;

29. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its thirty-first session;

30. *Decides* to remain seized of the matter.