



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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I. UN SPECIAL COORDINATOR ISSUES STATEMENT ON THE DECISION OF THE GOVERNMENT OF PALESTINE TO POSTPONE MUNICIPAL ELECTIONS

On 4 October 2016, the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, issued the following [statement](#) on the decision of the Government of Palestine to postpone municipal elections:

I welcome today's decision to postpone local elections. It is in the national interest of the Palestinian people that when such elections take place, they be organized both in the West Bank and Gaza.

I urge all Palestinian bodies to work together in good faith to overcome internal divisions and uphold democracy.

Local elections, conducted in line with established international standards, must contribute to advancing Palestinian reconciliation based on PLO principles as well as to ending the occupation and establishing a democratic, unified Palestinian state as part of a negotiated two-state solution.

II. UN SPECIAL COORDINATOR ISSUES STATEMENT ON A SHOOTING ATTACK IN JERUSALEM

On 9 October 2016, the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, issued the following [statement](#) on a shooting attack in Jerusalem:

I condemn this morning's terror attack by a Palestinian perpetrator in occupied East Jerusalem which killed two Israelis and injured six others. Nothing can justify such attacks. My thoughts are with the families and friends of all victims and I hope for a full and speedy recovery of the wounded.

It is deplorable and unacceptable that Hamas and others choose to glorify such acts which undermine the possibility of a peaceful future for both Palestinians and Israelis.

III. UNESCO DIRECTOR-GENERAL ISSUES STATEMENT ON THE OLD CITY OF JERUSALEM AND ITS WALLS, A UNESCO WORLD HERITAGE SITE

On 14 October 2016, the UNESCO Director-General, Irina Bokova, issued the following [statement](#) on the Old City of Jerusalem and its Walls, a UNESCO World Heritage site:

As I have stated on many occasions, and most recently during the 40th session of the World Heritage Committee, Jerusalem is the sacred city of the three monotheistic religions — Judaism, Christianity and Islam. It is in recognition of this exceptional diversity, and this cultural and religious coexistence, that it was inscribed on the UNESCO World Heritage list.

The heritage of Jerusalem is indivisible, and each of its communities has a right to the explicit recognition of their history and relationship with the city. To deny, conceal or erase any of the Jewish, Christian or Muslim traditions undermines the integrity of the site, and runs counter to the reasons that justified its inscription on the UNESCO World Heritage list.

“Nowhere more than in Jerusalem do Jewish, Christian and Muslim heritage and traditions share space and interweave to the point that they support each other. These cultural and spiritual traditions build on texts and references, known by all, that are an intrinsic part of the identities and history of peoples. In the Torah, Jerusalem is the capital of King David, where Solomon built the Temple and placed the Ark of the Covenant. In the Bible, Jerusalem is the city of the passion and resurrection of Jesus Christ. In the Quran, Jerusalem is the third holiest site in Islam, where Muhammad arrived after his night journey from Al Haram Mosq (Mecca) to Al Aqsa.

“In this microcosm of humanity’s spiritual diversity, different peoples worship the same places, sometimes under different names. The recognition, use of and respect for these names is paramount. The Al Aqsa Mosque / Al-Haram al-Sharif, the sacred shrine of Muslims, is also the Har HaBayit – or Temple Mount – whose Western Wall is the holiest place in Judaism, a few steps away from the Saint

Sepulcher and the Mount of Olives revered by Christians.

“The outstanding universal value of the City, and the reason why it was inscribed on the UNESCO World Heritage list, lies in this synthesis, which is an appeal for dialogue, not confrontation. We have a collective responsibility to strengthen this cultural and religious coexistence, by the power of acts and also by the power of words. This requirement is stronger than ever, to bridge the divisions that harm the multi-faith character of the Old City.

“When these divisions carry over into UNESCO, an Organization dedicated to dialogue and peace, they prevent us from carrying out our mission. UNESCO’s responsibility is to foster this spirit of tolerance and respect for history, and this is my absolute daily determination as Director-General, with all Member States. I am committed to this under all circumstances, because this is our *raison d’être* — to recall that we are one single humanity and that tolerance is the only way forward in a world of diversity.”

IV. UN SPECIAL COORDINATOR BRIEFS SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION

On 19 October 2016, United Nations Special Coordinator for the Middle East Peace Process, Nikolay Mladenov, briefed the Security Council on “The situation in the Middle East, including the Palestinian question”. The following are excerpts from the briefing ([S/PV.7792](#))

“I would like to begin by thanking the Council for its support, expressed during the previous briefing, for the work of the Office of the United Nations Special Coordinator for the Middle East Peace Process on the ground under challenging circumstances, particularly as the situation in Israel and Palestine, unfortunately, continues to deteriorate.

International focus on the question of Palestine may have been overtaken by the tragedy in Syria and events elsewhere in the Middle East, but it cannot be allowed

to be relegated to a secondary problem. Sadly, settlement announcements, outbreaks of violence and terror, and the absence of visionary leadership continue to define the conflict. The inability to see beyond the horizon and grasp the benefits of resolving the Arab-Israeli conflict, ending the occupation and establishing a two-State solution that meets the national aspirations of Israelis and Palestinians alike is a historic loss to the region as a whole.

The absence of progress has led to growing anger and frustration among Palestinians and profound disillusionment among Israelis. It has strengthened radicals and weakened moderates on both sides. On 9 October, a Palestinian opened fire, killing two Israelis and injuring six others in a terror attack in occupied East Jerusalem. Our thoughts and prayers go out to the families of the victims. Deplorably, Hamas and many others chose to justify and glorify the attack and its perpetrator. This tragic incident once again underscores an undeniable truth — if Palestinians genuinely hope to reach the long-overdue goal of Palestinian statehood and an end to the occupation, that will not be achieved through violence but must be reached through negotiations.

In separate incidents during the recent clashes in East Jerusalem, a 20-year-old Palestinian civilian died after being shot by Israeli security forces. In a separate incident, an unarmed 12-year-old girl was shot in the legs by security guards while approaching a checkpoint.

During the reporting period, Israel has continued with settlement planning, including the recent promotion of an initial 98 out of 300 housing units in Shilo, located deep in the occupied West Bank. If implemented, that plan will drive a wedge between north and south in the West Bank and jeopardize the contiguity of a future Palestinian State. Israeli officials have defined that move as an attempt to relocate settlers from the illegal Amona outpost, which has been slated for demolition by the Israeli Supreme Court. I once again reiterate the position of the Secretary-General that settlements are illegal under international law and undermine the two-State solution.

Adding to that troubling overall picture, Palestinians have again been unable to exercise their democratic rights after local council elections in the West Bank and Gaza were postponed. The

political bickering, mutual accusations, legal challenges and counter-challenges that followed have left the people of Gaza and the West Bank feeling more apart. I am concerned by recent calls by Hamas legislators in Gaza for the Hamas-led Government to resume its work in Gaza. Such a step would seriously undermine the Palestinian Government of National Consensus, and would also make the reconciliation almost impossible.

In August I raised United Nations and international concerns about the steady continuation of Israel's policy of expanding its presence in the occupied West Bank (see S/PV.7762). Today I wish to discuss another impediment to a negotiated solution — the security, humanitarian and political situation in Gaza.

Three deadly conflicts in the past eight years have eroded both Palestinian belief that Israel wants anything more than Gaza's destruction and Israeli conviction that their Palestinian neighbours desire peace. Fuelling Israeli fears is that Gaza is controlled by a de facto authority whose overtly anti-Semitic charter equates resistance with violence, rejects peaceful solutions and aspires to the obliteration of Israel.

Israel accuses Gaza militants of continuously seeking to obtain money and military materiel, including by smuggling in civilian boats, concealing components for the production of rockets inside commercial shipments and diverting construction materials from needy beneficiaries. The United Nations has been informed by Israel of at least 41 serious smuggling attempts that have been intercepted since the beginning of 2016. Although the United Nations lacks the capacity to independently confirm the smuggling accusations, if accurate, they show the intention to continue attacks against Israel.

Last week I travelled to Gaza, where I witnessed warehouses empty of construction materials, as the reconstruction process is significantly slowing down due to limitations of imports. No new residential reconstruction projects have been approved since March. In the recent days the approval of some 80 projects, some of which had already been started, has been revoked by Israel. I saw residential buildings half built. I met with families whose projects had been cleared for reconstruction, yet had not received any cement for months. I heard from those who had tried to navigate the web of rules governing the import of materials considered dual-use, with no luck or response. I stand with the people in Gaza who have suffered through conflicts and closures and who continue to face unimaginable suffering.

At current rates, it will take more than one year to catch up with the backlog of approved projects, and years to address the full housing and reconstruction shortage in Gaza. Those trends are worrying, and I call on the parties to the Gaza Reconstruction Mechanism to recommit once again to ensuring its smooth operation. Failing to do that will put in question the viability of the mechanism and undermine the precarious calm in Gaza.

According to some estimates, in the past decade militants in Gaza have fired nearly 16,000 rockets and mortars at Israel. Approximately 200 projectiles have been fired since the end of the last conflict. While since 2014 there has been little damage or injury, there is an ever-present risk of a potentially catastrophic escalation that neither wants nor needs.

During the 2014 conflict, Israel discovered and destroyed 14 tunnels crossing into its territory, and in May of this year detected and destroyed two more. Allow me to reiterate the joint position of Russia, the United States, the European Union and the Secretary-General as stated

in the Quartet report (S/2016/595, annex). The illicit arms build-up and militant activity in Gaza must be terminated. Such actions increase the risk of a new escalation of hostilities, keep thousands of people on both sides of the border under constant threat of attack, and undermine the reconstruction process.

The militant threat, however, should not serve as an excuse for Israel to indiscriminately harm civilians in Gaza. In addition to the continuing severely restrictive closures, I am concerned by persistent incursions and the almost daily firing and shelling by Israeli forces into Gaza along the fence and at sea.

The vicious cycles of conflict in Gaza must end. To do so control of Gaza must return to a Palestinian Government of National Unity, committed to the Palestine Liberation Organization (PLO) principles. The closures on Gaza must also be lifted in line with resolution 1860 (2009). Palestinians and Israelis both deserve the right to lead normal lives in freedom and security, with their human rights respected.

Since the takeover of Gaza by Hamas in 2007, 40 per cent of Palestinians living in the occupied territory are beyond the control of the legitimate Palestinian Government. Israel's closure policy and severe restrictions have brought social, cultural and economic interaction between Palestinians in Gaza and the West Bank to a virtual standstill. The widening chasm that has emerged between both parts of the occupied Palestinian territory undermines the national State-building enterprise and threatens the very viability of establishing a united Palestinian State as part of a two-State solution. Unity is therefore critical. I encourage Hamas to pursue reconciliation with Fatah in line with PLO principles and to consider redefining its political stance.

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Turning back to the question of Palestine, let me conclude my briefing by issuing two warnings. First, to those who believe that the people of Gaza can be punished by closures or by imposing restrictions on the entry of construction materials that are vital for the economy, they should know that the temperature in Gaza is rising. Allow me to also be abundantly clear to those who build tunnels, fire rockets, smuggle military materiel, profit from the black market or seek to create confrontation. Their actions are dangerous and irresponsible. They are stealing from their own people and risk the lives of Palestinians and Israelis alike.

We must all avoid the risk of sleep-walking into another violent conflict, at a time when the region as a whole needs moderate forces to unite and stand up to the radicalization that we see in the Middle East.

Gaza's future is inextricably linked to the future of the Palestinian people and their goal of establishing an independent State. But the longer its population continues to suffer under the intolerable weight of Gaza's current dynamics, the further Palestinians are from realizing that objective, and the closer we are, unfortunately, to the next major escalation.

V. SECRETARY-GENERAL TRANSMITS REPORT OF THE SPECIAL RAPPORTEUR ON PALESTINIAN HUMAN RIGHTS

On 19 October 2016, Secretary-General Ban Ki-moon transmitted to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk. The following are the introduction and recommendations of the report ([A/71/554](#))

I. Introduction

1. The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, was appointed on 24 March 2016, in accordance with Commission on Human Rights resolution 1993/2 and Human Rights Council resolution 5/1. He assumed his functions on 1 May 2016. He is the seventh person to assume the mandate.

2. The present report is the first submitted by the Special Rapporteur. He would like to draw attention to the fact that, while he stands ready to conduct a mission to the Occupied Palestinian Territory, permission to do so has not been granted by the Israeli authorities. After assuming his position as mandate holder, the Special Rapporteur made a formal request, on 3 June 2016, to both the Israeli and Palestinian authorities for permission to visit the Occupied Palestinian Territory. As of the time of writing of the present

report, no reply had been received from the Israeli authorities. The Special Rapporteur notes that the two preceding mandate holders were similarly not granted access. The Special Rapporteur met the Permanent Observer of the State of Palestine to the United Nations on 7 June 2016, during his first visit to Geneva. He also requested a meeting with the Permanent Representative of Israel, but did not receive a response. This pattern of non-cooperation with the mandate is a serious concern. A full and comprehensive understanding of the situation based on first-hand observation would be extremely beneficial to the work of a Special Rapporteur.¹

3. The report is based primarily on written submissions as well as consultations with civil society representatives, victims, witnesses, Palestinian government officials, and

¹ [A/HRC/23/21](#), para. 1.

United Nations representatives held in Amman, Jordan during the Special Rapporteur's first mission to the region in July 2016.

4. The mandate of the Special Rapporteur, as set out by the Commission on Human Rights, is to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the [Geneva Convention](#) relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967.² With this in mind, the present report focuses on the violations committed by Israel in the context of nearly 50 years of occupation. Israel, as the Occupying Power, has a responsibility to ensure the respect for and protection of the rights of Palestinians within its control.³ The mandate of the Special Rapporteur thus focuses on the responsibilities of the Occupying Power, although he notes that human rights violations by any State party or non-state organization are deplorable and will only hinder the prospects for peace.

5. The Special Rapporteur wishes to express his appreciation for the full cooperation with his mandate extended by the Government of the State of Palestine. The Special Rapporteur also wishes to extend his thanks to all those who travelled to Amman to meet him, and to those who were unable to travel but made written or oral submissions. The Special Rapporteur acknowledges the essential work being carried by those groups in their attempts to create an environment in which human rights are respected and to ensure that violations of human rights and humanitarian law are not committed with impunity and without witnesses. The Special Rapporteur will support such work as much as possible.

² See resolution 1993/2 of the Commission on Human Rights.

³ Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (Fourth Geneva Convention), art. 47.

6. The Special Rapporteur would like to note that several groups were unable to travel to Amman to meet him, owing to travel restrictions imposed by the Israeli authorities. This was particularly the case with individuals coming from Gaza, and all groups based in Gaza were consulted by videoconference as a result.

7. The report is structured in two parts. It first provides an overview of the situation in the Occupied Palestinian Territory, including East Jerusalem. The discussion highlights current human rights concerns while also aiming to frame the current situation in the broader context of nearly 50 years of occupation. Thus, the discussion is not limited to events within a specific time period, but an emphasis will be placed on issues that were highlighted as particularly critical at the time of writing, on the basis of conversations with and input from individuals and organizations during the Special Rapporteur's mission in July 2016.

8. The second part of the report examines the situation in the Occupied Palestinian Territory through the lens of the right to development, with a focus on development as a human right, and the impact of human rights violations on development in the Occupied Palestinian Territory.

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Recommendations

60. The Special Rapporteur recommends that the Government of Israel bring a complete end to the almost 50 years of occupation of the Palestinian territories occupied since 1967. The Special Rapporteur also recommends that the Government of Israel take the following immediate measures:

(a) Ensure that domestic legislation is in line with international standards as described in the Basic Principles on the

Use of Force and Firearms by Law Enforcement Officials, and is rigorously applied accordingly to those standards;

(b) Conduct thorough, effective, independent and impartial investigations in all instances where the use of lethal or excessive force or the commission of unlawful acts are alleged against Israeli security forces, so as to ensure genuine accountability;

(c) Immediately end the practice of administrative detention and the use of secret evidence, and release or charge all detainees;

(d) Introduce effective measures to reduce the number of children in detention and ensure that any detentions are fully compliant with the protections contained in the Convention on the Rights of the Child and other applicable legal instruments;

(e) Immediately end the practice of collective punishment in all its forms, including punitive demolitions and unjustified restrictions on freedom of movement;

(f) Immediately end the practice of forcible transfer and the destruction of homes and property, including those of Palestinian Bedouin communities.

61. With respect to the international legal obligations contained within the Declaration on the Right to Development, the Special Rapporteur recommends that the Government of Israel:

(a) Allow for freedom of movement of people and goods throughout the Occupied Palestinian Territory;

(b) End the blockade of Gaza and lift all restrictions on imports and exports, with due consideration to justifiable security concerns;

(c) Allow the Palestinian Authority to assume security control in Area B and civil and security control in Area C so as to end the geographic fragmentation of the Occupied Palestinian Territory;

(d) Take meaningful steps to encourage a balanced trading relationship with the Occupied Palestinian Territory, including measures that will enhance the productive capacity of Palestinian manufacturing and resource development;

(e) Immediately end the practice of utilizing the natural resources of the Occupied Palestinian Territory for its own benefit;

(f) Remove the wall and fully compensate for the economic damages that it has caused;

(g) End the punitive practice of withholding the indirect taxes collected for the benefit of the Palestinian Government;

(h) Fully implement the international legal obligations contained in the Declaration on the Right to Development.